ABSTRACT

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The Role of the United Nations in the Post Nuclear Weapon World
(Under the Direction of DR. DMITRIY NIKONOV)

Since the creation of the United Nations in 1945 in the wake of World War II and the failure of the League of Nations, the geo-political world has altered dramatically. The 21st century saw the advent of asymmetrical war, non-state actors, the dissolution of the bi-polar structure of the Cold War Era, and the creation of nuclear weapons. Although the UN has moderately adapted to address these changes, it has not undergone a large reform. It cannot stay static forever. The achievement of a collective security goal, such as the abolishment of nuclear weapons would not only alter the role the UN played on the international stage, but the way in which states interact with one another within the framework of the UN. In the nuclear free world the UN's role would change to address three key issues: 1) the role of international bodies, such as the International Atomic Energy Agency, within the UN in the wake of nuclear weapon abolition, 2) the role the UN will have in implementing future laws and treaties, and 3) the need for verification methods to encourage trust and enforce the treaties that created a nuclear free world. By making these changes the UN will be able to maintain the nuclear weapon free world and address any threats to the maintenance of nuclear abolition. If it does not change, it is unlikely that the world would remain free of nuclear weapons.

INDEX WORDS: United Nations, Nuclear Weapons, Thesis, Honors Program, Capstone, The University of Georgia, Center for Undergraduate Research Opportunities

THE ROLE OF THE UNITED NATIONS IN THE POST NUCLEAR WEAPON WORLD

by

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DEDICATION

I would like to dedicate this thesis to all of the professors in the School for Public and International Affairs and everyone at the Center for International Trade and Security for making my collegiate career meaningful and for helping to shape my future aspirations.

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TABLE OF CONTENTS

Page

CHAPTER 1
A NUCLEAR WEAPON FREE WORLD: IMPLICATIONS FOR THE UNITED NATIONS AND THE WORLD

Introduction

In 1945 in the wake of World War II, the United Nations (UN) was created in order to prevent future wars of such magnitude. Intended to fill the vacuum left by the failed League of Nations, the UN sought to engender peace by acting as a stage upon which states could discuss and resolve conflicts, as well as an actor on the international stage. However, in the sixty years since its inception, the world the UN is designed to moderate has changed drastically. While the creators of the UN could not foresee these changes, they deliberately drafted the Charter of the UN to reflect the shifting nature of the world. Despite this flexibility, the UN has changed little. The extent to which the UN can function in its intended fashion is limited by the fact that the current UN no longer fits the world. Since 1945 the world has undergone significant changes—the rise and fall of the Soviet Union, the Cold War, September 11th and the threat of terrorism—future changes just as great, if not greater, will occur, eventually demanding the UN to change as well.

One such change is the abolition of nuclear weapons. Following nuclear abolition, the structure of the UN must reflect not only the cooperation that states required to accomplish such a weighty goal, but the laws, verification mechanisms, and venue for peaceful conflict resolution that will ensure that nuclear abolition can be maintained. The beginning of a new world calls for a change in international structure. Laws of the past cannot continue to govern the people and policies of the future—the UN must change in a way to reflect to post nuclear weapon world. How will the role of the UN change in a nuclear weapon world?

Theory

Concepts of deterrence based nuclear policy rooted in the concept of independent state sovereignty dominate the Cold War era, proving difficult to discard even after the Cold War ended. However, realist theory has not successfully predicted much of what has transpired since the creation of nuclear weapons. Realism predicted that the world would have countless nuclear powers—instead, there are only nine. Even more unexplainable by realist theory, two states chose to reverse their nuclear weapons programs.[1] Despite these failures, abandoning realist theory entirely is not only foolish but also unnecessary. Just as Hobbesian theory did not and will not lead to successful maintenance of a nuclear free world, idealism is equally inadequate.[2] What is required in the post nuclear world is not an abandonment of the Cold War realist policy, but instead a restructuring of these policies that reflect global security values instead of individual state security values.

In 2002 the National Security Strategy of the United States moved away from the realpolitik of the Cold War era and declared that "no nation can build a safer, better world alone."[3] Although the years following that statement were filled with policy that moved back towards realist principles, the acknowledgment that ultimate world safety would only come through cooperation gives hope that such a world may be possible. Realist policy is driven by the concept of state sovereignty. Following this thinking, participating in any sort of treaty or international organization erodes a small bit of a state's sovereignty. Eliminating the world's nuclear weapons cannot be done without cooperation and without states relinquishing a bit of sovereignty to institutions like the International Atomic Energy Agency (IAEA) and the UN.

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[1] South Africa, Libya,
[2] Regina Cowen Karp, ed. *Security Without Nuclear Weapons? Different Perspectives on Non-Nuclear Security* (New York: Oxford University Press, 1992), 5-6.
[3] Tharoor, S. (2003, September/October). Why America Still Needs the United Nations. *Foreign Affairs, 82*(5), 67-80.)

However, unless the abolition of nuclear weapons can be done without causing states to feel as if they are irreparably weakening their security, nuclear weapons will never be eliminated. In addition to verification mechanisms, the world needs to shift in political thinking from independent state realism towards a concept M. Chertoff calls "reciprocal sovereignty."[4]

Reciprocal sovereignty describes the exchange between a state's individual interests for global interests. States still defend their sovereignty, however the scope of what sovereignty is has broadened. In a world of transnational threats and multinational treaties, it follows that states should begin viewing themselves as part of a global community. This theory is not plagued with idealism—it simply rephrases traditional realist protection of state sovereignty and applies it to global interests. This political theory drives the success of the UN in the post nuclear weapon world. The elimination of nuclear weapons is without a doubt a global good—by adopting the theory of reciprocal sovereignty states will be more willing to submit individual sovereignty to the UN in order to protect the greater global sovereignty.

Hypothesis and Unit of Analysis

The role of the UN in the post nuclear world will need to evolve to address three key issues: 1) the role the UN will have in implementing future laws and treaties, 2) the need for verification methods to encourage trust and enforce the treaties that created a nuclear free world, and 3) the role of international bodies, such as the International Atomic Energy Agency (IAEA), within the UN in the wake of nuclear weapon abolition. Each of these issues directly relates to the next. Without sound international law, effective treaties cannot be created. Without effective treaties and sound international law, robust verification measures cannot be instituted. Even with a sound legal foundation and a robust verification system, without an international body to

[4] Chertoff, M. (2009, January/February). The Responsibility to Contain: Protecting Sovereignty Under International Law. *Foreign Affairs, 88*(1), 130-147.

monitor and enforce the measures, they are powerless. However one organization must facilitate the global cooperation necessary not only to eliminate nuclear weapons but also to undergo the institutional reform necessary to achieve and maintain that goal. Although imperfect, cooperation towards a peaceful world has been the purpose of the United Nations. Considering the long history the UN has with nuclear weapons and the steps it has taken towards disarmament, it follows that the UN would be the best international body from which the monitoring and enforcement of a nuclear free world should take place.

Operationalization of Concepts

This paper will examine the history of the United Nations from its inception in 1945 to the present in order to predict how its past and current role in disarmament will evolve in a world without nuclear weapons. It will also examine the possible reactions of the UN to two scenarios in the nuclear free world in order to determine what is necessary for the UN to properly address the situations. The way in which nuclear abolition is achieved is not necessary for the purposes of this paper. Instead, the paper examines the role of the UN in a world where every nuclear weapon has been verifiably eliminated. It is assumed that this accomplishment will involve many treaties: multilateral and unilateral. The permanent members of the UN Security Council (P5) consist of the United States, Russia, the United Kingdom, China, and France. Temporally this paper focuses on the first decade after the abolition of nuclear weapons—the years in which the role of an international body will be the greatest and the most vital.

Literature Review

Although much has been written discussing the nuts and bolts of disarmament, the implications of disarmament and whether or not disarming is a wise decision, little has been written discussing what the world will be like when, and if, zero is reached. Similarly, tomes

have been written on the United Nations: its creation, its failures, its successes and whether or not it can adapt to the current world. However, little has been written specifically discussing the future of the UN with non-proliferation or even a nuclear free world. Although it is almost universally recognized that the UN needs reform, most literature focuses on the same topics as have been discussed since the UN's inception: membership and the veto power. Little has been said over how the UN should change in light of such stark changes to the political landscape as terrorism or a nuclear free world; instead, most focus on whether or not the UN is relevant or has the potential to change for the future world.

James Sutterlin's *The United Nations and the Maintenance of International Peace and Security* gives a comprehensive look at the history of the United Nations in regards to conflict resolution. Although *The United Nations and the Maintenance of International Peace and Security* focuses on the role of the UN in issues of international security, *The United Nations and the Quest for Nuclear Disarmament* edited by Dimitris Bourantonis is a comprehensive history of the UN's work towards disarmament since its creation in 1945.

While Ted Carpenter's *Delusions of Grandeur* and Senator Jesse Helms's article *Saving the UN* offer a complete critique of the United Nations, albeit from an American-centric point of view, both Harrod and Schrijver's *The UN Under Attack* and Tharoor's article *Why America Still Needs the United Nations* address these accusations of irrelevancy and offer suggestions of how the UN can continue to be more relevant.

Cowen Clark's *Security Without Nuclear Weapons* offers a theoretical look both at the political theory driving the past and current nuclear policy as well as what is required for states to feel secure in a world without nuclear weapons. Within *Security Without Nuclear Weapons* Julie Dahiz's essay *Legal Issues Concerning the Feasibility of Nuclear Weapon Elimination*

examines the changes that must take place in order for international law to be able to apply to the post nuclear world.

M. Chertoff's article *The Responsibility to Contain: Protecting Sovereignty Under International Law* examines the roll law will play in eliminating the worlds nuclear weapons. Chertoff introduces the concept of reciprocal sovereignty and the way in which it can be applied to international law.

One of the most extensive and authoritative works relating to nuclear abolition is *Abolishing Nuclear Weapons: A Debate*, edited by George Perkovich and James M. Acton. Originating from the 2008 Adelphi Paper *Abolishing Nuclear Weapons* by Perkovich and Acton published by the International Institute for Strategic Studies, *Abolishing Nuclear Weapons: A Debate* contains the original paper as well as seventeen responses—some in agreement, some in opposition to Perkovich and Acton. The result is a dialogue that touches on every key and controversial issue that will be encountered on the road to zero. Although comprehensive in the issues that will arise in the post-nuclear weapon world, again the UN is only mentioned briefly. The authors do not go beyond highlighting the obstacles the UN will face in this new role and instead only mention the UN as a means through which to address some of the problems associated with getting to zero. Perkovich and Acton do provide a comprehensive look at the need for verification measures, a need further discussed in several response papers.[5] Although the role of international organizations is debated as well in E. Zedillo's response *The Role of International Institutions in the Disarmament Process*, the paper merely highlights current structural faults and makes vague predictions as to the future of the IAEA and other international institutions.

[5] *Verification, Compliance, and Enforcement* P. Lewis; Harald Müller *The Importance of Framework Conditions*

Neither Perkovich and Acton nor those who wrote responses set out to answer every question and solve every problem associated with disarmament; they "do not claim to exhaust the range of issues that must be resolved, or to have optimally framed the subjects [they] do address".[6] However it is worth noting that even in one of the more comprehensive looks at the obstacles in the way of eliminating nuclear weapons, little attention is paid to the way in which the achievement of this goal will drastically change the world's structure.

[6] James Acton and George Perkovich, eds., *Abolishing Nuclear Weapons: A Debate* (Washington, DC: The Carnegie Endowment for International Peace, 2009), 17.

CHAPTER 2
HISTORY OF THE UNITED NATIONS

Foundation of the United Nations: The League of Nations

In light of the supreme destruction of World War I, leaders of the Allied powers[7] sought to create an international organization that would act as a platform from which states could discuss world issues and solve the conflicts that lead to wars. In 1919 the League of Nations was created to serve this goal. However, due to an elite membership that excluded Germany[8], alienated Japan[9] and never included the United States[10], what was initially created to be a uniting world organization did not include three vital states. Additionally, the League of Nations quickly became gridlocked, leading to an inability to come to a consensus concerning various issues, and response to issues it opposed.[11] The advent of World War II was bleak evidence that the League of Nations had failed at its purpose. In 1946 the League of Nations was disbanded.

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[7] The United States, the USSR, France, and the United Kingdom

[8] The Treaty of Versailles contained the League of Nations Covenant, thereby making it an organization born out of a peace treaty. This peace treaty was deliberately harsh on Germany. Germany was also originally denied a seat in the League of Nations—later rectified. One of the principles of the Covenant of the League of Nations was disarmament. The League of Nations saw Germany's forced disarmament under the Versailles treaty as the first step towards total world disarmament. Germany however, interpreted this decree as a crippling political move to make Germany obsolete in the international system. In 1933 Germany resigned from the League of Nations and began to rearm.

[9] Japan became alienated by the UN following Japan's takeover of Manchuria, China in 1931. Japan's use of force again China was neither abated nor prevented by the League despite opposition to the aggression. In 1933 Japan resigned from the League of Nations.

[10] The United States Senate did not ratify the Treaty of Versailles, and consequently due to its inclusion in the treaty did not become a member of the League of Nations despite President Woodrow Wilson's strong support for the organization.

[11] The question of membership highlights the inability of the League of Nations to come to a consensus. After Germany asked for a seat many other states including Poland requested seats as well leading to an expansion of membership only several years into the League's creation. Although membership was indeed expanded, it occurred after many months of indecisiveness. The inability of the League of Nations to respond to Japan's aggression against

However, world leaders did not see the dissolution of the League of Nations as indicative of the inability for an international organization to be effective but instead indicative of flaws inherent to the League of Nations. World leaders addressed these flaws[12] in the creation of the United Nations with the hopes that the new modified international organization would be able to succeed where the League of Nations had not.

Primarily it sought to have the power to enforce the will of the UN in ways in which the League did not—ultimately leading to its demise. Although the general structure was maintained: the organ system of a General Assembly that represented all members as well as a higher body and the Security Council that was comprised of a combination of permanent and non-permanent members considerable effort was spent to ensure that these bodies had legitimacy and power, the UN was by far more detailed and planned than the League. Despite these improvements the UN still faces many of the same issues the League of Nations did rising from issues of membership, collective security, and enforcement.

The United Nations Charter and the Framework for Peace

Under the United Nations Charter the purpose of the UN is established as,

> "…to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by

China represent's the League of Nation's inactivity. This inactivity culminated with the inability of the League of Nations to prevent World War II.

[12] The UN differed largely from the League of Nations in two respects. The structure of the UN was much more developed than that of the League of Nations. There existed many more organs of the UN, expanding from the _ of the League of Nations to the __ of the UN. Additionally, the UN charter grants each one of the permanent members of the Security Council veto power in order to prevent the gridlock that plagued the League of Nations. Creators also obligated member states to carry out the will of the Security Council in Article 25 of the UN Charter. Creators saw this clause of obligation as a way to give more power to the UN than its predecessor the League of Nations had.

peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lad to a breach of the peace."[13]

Anticipating the changing nature of the world, creators drafted the Charter to be purposefully vague. The UN has interpreted the Charter's goal in a variety of ways, predominated by "peacekeeping, peace-building, genocide, terrorism, and weapons of mass destruction"—issues never explicitly mentioned in the Charter.[14]

The UN was not established as a system of collective security, nor was it established as a model for a world government as Lowe, Roberts, Welsh, and Zaum argue in *The United Nations Security Council and War.* Classic collective security is "a system, regional or global, in which each state in the system accepts that the security of one is the concern of all, and agrees to join in a collective response to threats to, and breaches of, the peace."[15]

The UN's strength and simultaneous weakness lies in its unspecific charter. Those in opposition to the UN taking a larger role in the nuclear weapon free world cite that no where in the UN Charter does it specify such a role—taking such a large role in the nuclear free world oversteps the original purpose and spirit of the UN. Those in favor of the UN acting as monitor and enforcer of a nuclear free world cite this same vague charter as reason for the UN to assume this role. Proponents argue that assuming a role in the maintenance of the nuclear weapon free world would in fact be in the spirit of the UN Charter.

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[13] The United Nations and the Maintenance of International Peace and Security: UNITAR (3)
[14] Vaughan Lowe, et al., eds. *The United Nations Security Council and War: the Evolution of Thought and Practice since 1945* (Oxford: Oxford University Press, 2008), 62.

[15] Vaughan Lowe, et al., eds. *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945* (New York: Oxford University Press, 2008), page .

The United Nations and Disarmament: A History

With the detonation of atomic bombs in Hiroshima and Nagasaki by the United States the nuclear era had begun: ending World War II and leading to the Cold War. Although previous wars were fought based on alliances, the Cold War was based on the deterrence of one great power against another great power in an arms race that grew to epic proportions until the fall of the Soviet Union in 1991. The role of the UN in the *post* nuclear world cannot be discussed without discussing the role of the UN in the nuclear world: from the first use, throughout the Cold War, to the current post-Cold War era defined by the relics of the past.

The UN was born into a nuclear world. The allied powers, victors of World War II, became the subsequent permanent members of the Security Council. In 1949 the Soviet Union tested its first nuclear weapon. In 1952 the UK went nuclear as well; France followed in 1960. France subsequently aided in Israel's attempts to gain nuclear technology—successful in the 1960s.[16] India's acquisition of the bomb in 1974 immediately spurred Pakistan to acquire it as well, despite a poor economy and an almost intolerable focus of expenditure on the pursuit of the bomb. In April 2009, Director of the IAEA Mohamed ElBaradei officially gave acknowledgement to a long suspected fact: North Korea had gained nuclear weapons technology.[17] In addition to the nine states currently possessing nuclear weapons, both Libya and South Africa abandoned nuclear programs after achieving nuclear weapons capabilities.

Although the Charter of the UN does not specifically contain provisions on disarmament as its predecessor the League of Nations did, the UN has worked towards disarmament as early

[16] Kurt M Campbell, Robert J Einhorn, and Mitchell B Reiss, eds. *The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices* (Washington, DC: The Brookings Institute Press, 2004), 7.

[17] Richard Lloyd Parry, "North Korea is fully fledged nuclear power, experts agree," *Times Online*, April 24, 2009, http://www.timesonline.co.uk/tol/news/world/asia/article6155956.ece (accessed December 7, 2009).

as 1956 with the establishment of the International Atomic Energy Agency.[18] Since its creation in 1946 the UN has passed over 800 resolutions on disarmament including such keystones of the non-proliferation regime as the landmark Non Proliferation Treaty (NPT).[19] The 1950s saw the creation of the Antarctic Treaty in 1959[20], the IAEA and its first safeguard system in 1961, the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (the Partial Test-Ban Treaty) 1963. In February 1967 the first nuclear free zone is established though the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. In 1968 the Treaty Establishing the European Atomic Energy Community (EUATOM) enters into force. Yet the biggest achievement due to its size, breadth, and scope of this period and perhaps the UN's history of nonproliferation measures is the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) which opened for signatures in July 1968 and entered into force in March 1970.

After the creation of the NPT in 1968, other major advances in the non-proliferation regime include the Limitation of Strategic Offensive Arms (Salt 1) in 1972 and the creation of the Final Document during the tenth special session of the General Assembly (the first special session on disarmament) in June of 1978.[21] In 1975 22 states ratified the Biological and Toxin Weapons Convention (BWC)[22]. In June of 1979 the United States and the Soviet Union sign the Treaty on the Limitation of Strategic Offensive Arms (SALT II).

The 1980s saw the establishment of the South Pacific Nuclear Free Zone Treaty in 1985, the second and third NPT Review Conferences in 1980 and 1985 respectively. In April of 1987 the Missile Technology Control Regime was established. In 1987 the United Stats and the Soviet

[18] Dimitris Bourantonis and Marios Evriviades, eds. *A United Nations for the Twenty-First Century* (The Hague: Kluwer Law International , 1996), 7.
[19] The United Nations and the Maintenance of International Peace and Security: UNITAR (386)
[20] Stipulated that the Antarctic could be used solely for peaceful purposes.
[21] The Final Document includes a Declaration, a Programme of Action and a section on international disarmament machinery.
[22]The BWC outlawed the use of biological weapons.

Union signed the Treaty on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (INF Treaty). In 1991 the United States and the Soviet Union sign the START I Treaty," [23] followed in 1993 by the START II Treaty. The Chemical Weapons Convention in 1993 banned the use of chemical weapons, and the Comprehensive Test Ban Treaty (CTBT) in 1996 banned all nuclear testing.

The UN's history with nuclear weapons reveals not only a commitment to the issue, marked by the creation of over 800 treaties, but demonstrates the power of the UN to unite states for the disarmament cause. Treaties like the NPT and the CWC demonstrate that it is possible for states to submit to an international treaty and sacrifice sovereignty for a global good. Additionally these treaties demonstrate that this process is possible through the UN.

[23] START I commits each member state to "reduce their nuclear weapons fro their current levels of between 10,00 and 11,00 weapons to between 8,000 and 9,000" (United Nations, *The United Nations and Nuclear Non-Proliferation* (New York: United Nations Publication, 1995), 36).

CHAPTER 3
THE POST NUCLEAR WORLD: STRUCTURAL CHANGES

Changes in the UN Structure

The current Security Council of the UN originated from victors of World War II, the Security Council became defined by the member state's nuclear capabilities, forming the illusive nuclear club. Membership to the nuclear club signified that a state had the infrastructure, resources, and technology to develop the advanced technology of nuclear weapons. If a state could acquire nuclear technology, it meant that a state was worthy of respect within the international community.[24]

With the elimination of nuclear weapons, this club would disappear leaving a power vacuum either to be filled by the former members in a new capacity, or different states that have never been high in the political hierarchy defined by nuclear weapons. The result depends on what defines power. A new world in which economic power defines international power could lead to the elevation of industrial giant India to the level of the United States and China. Depending on the way in which power is measured in the absence of nuclear weapons, the structure of the Security Council and the UN as a whole could vary greatly not only in the number of members but more specifically which states become members.

A Theoretical Look at the Evolution of an Institution

[24] Joseph Cirincione, *Bomb Scare: The History and Future of Nuclear Weapons* (n.p.: Columbia University Press, 2008), 58-59.

Effective institutions are not static. Because they are comprised of states that are in constant stages of change, it follows that institutions should change as well. Clemens and Cook state, institutions change "as a result of learning as well as variation and diffusion. Within the constraints imposed by particular technological or economic configurations, actors can modify institutions to solve new problems, to facilitate network-based collective learning, or to achieve increasing efficiency."[25] Dietrich Fischer compares international systems to living systems. He draws a comparison by describing the way in which a living system evolves over time using, "numerous automatic feedback mechanisms that constantly compare the current state with a desirable goal…and set in motion corrective mechanisms if a deviation is detected."[26] International institutions must also adapt to changes in the environment. A failure to respond to various configurations can limit the actor's ability to modify the institution and solve new problems, as stated by Clemens and Cook. Were a living system not to evolve based on changing environment, obstacles and aggressors, it would die—the same is true for an institution. A failure to alter the institution of the UN to address the changing environment caused by the elimination of nuclear weapons would mean almost certain death for the institution, at the least it would greatly hinder the UN's ability to solve the new problems presented in new world environment.

[25] Elisabeth S Clemens and James M Cook, "Politics and Institutionalism: Explaining Durability and Change," *Annual Review of Sociology* 25, no. 1 (1999): 451, http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=2373057&site=ehost-live (accessed December 14, 2009).
[26] Erica Fawcett and Hanna Newcombe, eds. *United Nations Reform: Looking Ahead After Fifty Years* (Toronto: n.p., 1995), 61.

CHAPTER 4
VARIABLES: WHAT WILL DEFINE THE ROLE OF THE UNTIED NATIONS?

International Law

The aforementioned dual role of the United Nations as both an international stage upon which states can act as well as an actor reveals particular changes required for each role to adapt to the post nuclear weapon world. Changes to the structure and procedures of the UN and its bodies reflect the ways in which the role of international stage will need to change. The most integral element of the UN's role of an actor that will require the most change is the element of international law. International law is at the heart of the UN in the way in which it functions. In the post nuclear weapon world, the function of the UN will change. Consequently, the role and process of international law will change as well.

International law is vital to the existence of the UN in so far as it is the way in which the UN acts on the international stage: by creating resolutions, treaties and commissions regarding the issues and conflicts of the world. The judicial organ of the UN, the International Court of Justice (ICJ), has " a twofold role: to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and specialized agencies."[27]

[27] The United Nations. (n.d.). The Court. In *International Court of Justice* [Overview of the role, duties and purpose of the International Court of Justice]. Retrieved from http://www.icj-cij.org/docket/index.php?p1=3&PHPSESSID=5b38fe9dd7bb4bba86b1d0c217ef4b37

Based on theories formed during the Roman Empire, international law has evolved minutely over the centuries that followed.[28] Modern international law is largely based on the concept of state sovereignty described in the Westphalia model in 1648.[29] This model states subscribes that "an independent state is not subject to external control over its internal affairs without its consent."[30] Although the geopolitical landscape has significantly changed countless times since the establishment of early theories of international law, no change has been made to international law to reflect the current world. The immergence of global threats[31] have made the role and field of international law more relevant as it is the only way in which such actors can effectively be deterred and states can protect themselves. Although some scholars argue that globalization and transnational threats in fact eliminate the concept of sovereignty in international law, it is quite the opposite. Instead of eliminating sovereignty, these changes call instead for a greater role of sovereignty, one that reflects the existence of global threats.[32]

The current system of international law does not reflect the numerous transnational issues currently facing the world, nor would it reflect a nuclear free world. Revisions must be made to the legal framework so that it is conducive to addressing the issues of the current world, not the world of ancient Rome. If the world chooses to eliminate nuclear weapons and is successful in doing so, the action represents a collective agreement by all states that nuclear weapons are not in the best interest of the world. Maintaining nuclear abolition would call for the principle of reciprocal sovereignty in order to give life to transnational treaties and laws. The current system of international law is based on centuries old theory, formed through custom, and enforced

[28] Legal issues concerning the feasibility of nuclear weapon elimination: Julie Dahlitz 93 (double check page)
[29] This model states subscribes that "an independent state is not subject to external control over its internal affairs without its consent."(Chertoff, M. (2009, January/February). The Responsibility to Contain: Protecting Sovereignty Under International Law. *Foreign Affairs, 88*(1), 130-147.)

[31] Terrorism, global crime rings, proliferation
[32] Ibid.

without consistency. This system reflects a world void of cooperation and dominated by the concept of independent state sovereignty limited by the narrow scope of past cases and outdated theory. The UN's charter is one such example of the way in which current transnational threats are not accurately addressed through older international law. Article 51 of the UN Charter states that "nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations."[33] In 2004, Israel cited Article 51 as validation for the creation of a barrier to protect Israel from terrorist attacks. The ICJ in an advisory opinion was unsupportive because this barrier was not, as Article 51 states, in defense of aggression "by one State against another State."[34] This narrow interpretation of the UN Charter— law written in a time without transnational terrorism threats —reflects the need to update the international system to reflect the changes that have occurred worldwide over the past centuries. The new system of international law should be defined by three principles "nonsubordination, collaborative security, and reciprocal sovereignty."[35] Adherence to these principles will not only foster a more cooperative world but will yield more effective laws.

The incorporation of these principles into a new system of international law would affect the UN by calling for additions to some of the older pieces of legislature, such as the UN Charter. Additionally, future laws would be better enforced through the mechanisms built into them with reciprocal sovereignty in mind. Any change to the international system will take considerable time to occur. However, there are current examples of laws that fit the three

[33] United Nations Charter, Article 51
[34] Chertoff, M. (2009, January/February). The Responsibility
to Contain: Protecting Sovereignty Under International Law. *Foreign Affairs, 88*(1), 130-147.
[35] Ibid.

principles of "nonsubordination, collaborative security, and reciprocal sovereignty" and accurately address transnational issues.[36]

Laws containing these principles suggest that significant changes to the system of international law are possible. These examples also imply that transnational issues are best-addressed using concepts of reciprocal sovereignty instead of the traditional historical independent sovereignty. Whether international law remains the same: outdated and ill-fitting for the current world, or changes to adapt to the new threats and obstacles facing the 21st century, international law will continue to be drafted, discussed, and enforced through the UN. No matter what form the UN takes in the post nuclear weapon world, the system of international law will directly contribute to the success or failure of the preservation of nuclear abolition.

Verifications

In the current nuclear weapon world, verifications are used to ensure than non-nuclear states[37] only pursue peaceful nuclear energy and to assuage fears by adhering members that cheating will not be permitted. Currently, IAEA safeguards and additional protocols form the verification regime, monitoring the 30 countries with nuclear reactors and 70 countries possessing nuclear material.[38] However in the nuclear weapon free world, verifications must also evolve to confront the specific threats of the geo political world. In light of recent verification issues relating to Iraq's weapons of mass destruction, North Korea, and Iran's (alleged) nuclear weapons programs combined with the emergence of non-state actors as potential rearmament

[36] Resolution 1373, The Proliferation Security Initiative (PSI),[36] the Container Security Initiative (CSI)[36], the Convention on Cybercrime[36], and UNSCR 1540

[37] As defined by the NPT

[38] International Atomic Energy Agency, *IAEA Safeguards: Stemming the Spread of Nuclear Weapons*, International Atomic Energy Agency Information Series, 1/02/E (Vienna), 1, http://www.iaea.org/Publications/Factsheets/English/S1_Safeguards.pdf (accessed December 13, 2009).

threats, traditional remote verifications methods are not longer sufficient.[39] Instead "…they can only be truly effective if augmented by other collection means" including, but not limited to, human inspections by the UN and collective information sharing.[40] Verification is a crucial part in an interlinking "Golden or Bermuda Triangle of issues"[41] of verification, compliance, and enforcement. Verification does not in itself guarantee compliance—however compliance can never be achieved without proper verification.[42]

Although the elimination of nuclear weapons would eliminate the need for highly enriched uranium (HEU), under the NPT states are still granted the right to nuclear power, necessitating the creation of lower enriched uranium (LEU). Nuclear power plants create LEU through the same process as HEU. Therefore it would be necessary to implement a verification regime that ensured states only produced LEU[43] at enrichment facilities.[44] One example of a verification obstacle facing the IAEA is the idea of new vs. historic HEU. Although IAEA safeguards help to ensure that enrichment facilities are only producing LEU for power purposes, some enrichment facilities[45] will be facilities converted from producing HEU in the nuclear weapon world to only producing LEU in the post-nuclear weapon world. Monitoring of

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[39] Patricia Lewis, "Verification, Compliance, and Enforcement ," in *Abolishing Nuclear*

Weapons: A Debate, ed. James M Acton and George Perkovich (Washington, DC: The Carnegie Endowment for International Peace, 2009), 234.

[40] Thomas Graham, "The Essentiality of Effective Verification: From Sputnik to the Space Station," *Problems of Post-Communism* 53, no. 2 (March-April 2006): 27, http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=20302168&site=ehost-live (accessed December 13, 2009).

[41] Patricia Lewis, "Verification, Compliance, and Enforcement ," in *Abolishing Nuclear*

Weapons: A Debate, ed. James M Acton and George Perkovich (Washington, DC: The Carnegie Endowment for International Peace, 2009), 233.

[42] Ibid, 234.

[43] or HEU for non weapons purposes, ie. Naval fuel reactors

[44] S. Bürger and A. Glaser, "Verification of a Fissile Material Cutoff Treaty: The case of enrichment facilities and the role of ultra-trace level isotope ration analysis," *Journal of Radioanalytical and Nuclear Chemistry* 280, no. 1 (April 2009): 85, http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=36966016&site=ehost-live (accessed December 13, 2009

[45] Currently, only India and Pakistan produce HEU, but a number of other enrichment facilities, specifically in Russia, have converted from producing HEU to LEU (Ibid, 85).

enrichment facilities will require environmental sampling advanced enough to differentiate between remaining HEU from the nuclear age, or HEU signifying rearmament. Bürger and Glaser have successfully established that by examining HEU particles for fluoride, the particle can be properly dated.[46] Currently there exist a number of methods that can detect the level of fluoride in a particle in order to determine when the particle is created.[47] The existence of this technology greatly increases the verification capacities of the Fissile Materials Cut Off Treaty as well as maintenance of a nuclear weapon free world.

Overall verification measures in the nuclear weapon free world should be more focused on closely monitoring "high-risk, high consequence activities" given the nature and grave implications of rearmament.[48] However, verification measures, even in the most robust state, are only effective if they have an effective international organization or institution to both monitor activities and enforce compliance in the event of discretion.

The IAEA and Other Bodies of the UN

In order to properly utilize a robust system of verification, the proper international body must be in place. Given its history and current activities involving monitoring the use of nuclear technology, the IAEA provides a solid foundation from which it could monitor and facilitate the continuance of a nuclear free world in the future. Recognizing the immediate need for a regulatory body, the IAEA was created as a body of the UN in 1957 with the UN itself. Although the IAEA is in fact independent from the UN, their relationship is governed by a special

[46] "Uranium hexafluoride released from the equipment in an enrichment plant quickly reacts with atmospheric moisture to form hydrolyzed UF6 (e.g., UO2F2 and UO2F2(H2O)*x*(HF)*y*).4 Over time, further reactions occur, in which the particle gradually loses its fluorine-content to form other uranium compounds…the absence of fluorine in an HEU particle could be a strong indicator for a particle from historic production" (Ibid, 87).
[47] "The most promising techniques available for agedating of bulk samples are resonance ionization mass spectrometry (RIMS), multi-collector inductively coupled plasma mass spectrometry (ICP-MS), high-efficiency multi-collector thermal ionization mass spectrometry (TIMS), and accelerator mass spectrometry (AMS)" (Ibid, 88).
[48] Ibid, 234.

agreement that stipulates the IAEA's role and interaction with the UN.[49] This agreement outlines their relationship as such

> The United Nations recognizes the International Atomic Energy Agency … under the aegis of the United Nations as specified in this Agreement, responsible for international activities concerned with the peaceful uses of atomic energy in accordance with its Statute, without prejudice to the rights and responsibilities of the United Nations in this field under the Charter.[50]

Since its creation the success of the IAEA has been debatable. Although some site the acquisition of nuclear weapons by India, Pakistan, Israel, North Korea and possibly Iran as painful failures attributed to the limited abilities of an organization linked so closely with the UN, others credit the IAEA with limiting proliferation to only a handful of countries instead of the larger number of states expected to go nuclear. Regardless of whether or not the IAEA is considered a success, there is no other organization with over sixty years of experience monitoring and preventing the proliferation of nuclear weapons. In assessing the successes and failures it is important to consider that the IAEA is both underfinanced and understaffed. The fact that the IAEA has achieved as much as it has on such a small budget is commendable considering what is at stake.[51]

Although it might seem logical to simply expand the role of the IAEA by increasing its budget and responsibilities to address the needs of a nuclear weapon free world, the task is too great for the IAEA alone. Instead, smaller sub bodies should be created in order to address separately the issues of safeguards, creation of verification measures, monitoring, terrorist threats, and nuclear power. Although these are by no means the only issues that will require the attention of the IAEA, they serve as examples of the different facets of the nuclear free world the IAEA will need to monitor.

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[49] Agreement Governing he Relationship Between the United Nations and the International Atomic Energy Agency, Article I, Principles, October 30, 1959

[50] Ibid.

[51] Ernesto Zedillo, "The Role of International Institutions in the Disarmament Process," in *Abolishing Nuclear Weapons: A Debate*, ed. James M Acton and George Perkovich (Washington, DC: The Carnegie Endowment for International Peace, 2009), 289.

The abolishment of nuclear weapons will require unprecedented levels of interstate cooperation. This cooperation will not be possible without an international organization acting as facilitator and mediator. Although this cooperation and the achievement of nuclear abolition is not only noteworthy but historical there are certain elements of the UN and its structure that will not change. Although considered as ways in which the UN will change to adapt to the issues of the nuclear free world, the UN will never rise to the status of world government, the veto power will most likely never be eliminated, and a UN army will most likely never be established. While each of these changes would undoubtedly aid in the maintenance of the nuclear free world, each represents the sacrifice of more sovereignty by states than would ever be reasonable.

CHAPTER 5
ALTERNATE VARIABLES

In approaching the nuclear weapon free world, the future role of the UN is defined simultaneously by the role it currently has and by the needs of the nuclear weapon free world. The UN's current role as international legislature suggests that significant changes must be made to international law to reflect the future transnational nature of both the threats, achievements, and goals of the nuclear weapon free world. The need for proper verification measures require both a sound legal foundation in which measures can be created, and a legitimate international institution to ensure compliance and enforcement. Each of these variables are intrinsically linked by the success of one depending on the success of the other. In examining what will contribute to success, several recommendations have been discounted: a world government, a UN army, and veto reform. These variables will not become a part of the UN's future role in the nuclear weapon world.

World Government?

Although the UN will assume a sizeable role in the process of nuclear abolition, and retain the role in the nuclear weapon world, it is unlikely that the UN will ever take the shape of a world government. Even in its present form the UN receives criticism that it requires states to sacrifice too much sovereignty to a body that does not necessarily always represent its interests. While the UN is the best venue through which states should pursue a global course of action such as the elimination of nuclear weapons, the UN still contains structural issues that have

limited its response to various issues in the past and would only continue to limit it in the future.[52] Although states may be willing to surrender sovereignty for a collective, verifiable good, Carte blanch surrender of sovereignty to a world government is not in the interest of most states. Comparatively, an international government would no more reflect the transnational issues of the world simply by presiding over it than the current world structure. Logistically, states would simply never submit to a world government. Not only would states be unwilling to submit that much sovereignty to one body, but the lack of verifications in a world government system would leave states feeling more vulnerable than they were before.

Instead of a world government, international governance is more likely to evolve into a system much like what Anne-Marie Slaughter describes in her article *The Real New World Order*. Slaughter states that the world is not moving towards the creation of a centralized world government, but instead the creation of transgovernmentalism is the new mode of world governance.[53] Transgovernementalism describes "control of government institutions in the hands of national citizens, who must hold their governments as accountable for their transnational activities as for their domestic duties."[54] This system of governance reflects both the global nature of politics in the current world, as well as the global nature of threats.

Veto Power

Created in order to give decisive power to a few states and avoid the inaction that led to the demise of the League of Nations, the veto power of the P5 has received criticism from its inception to now. Conceptually, the veto power would give a few states the power to disagree

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[52] Douglas D. Brisson, "The UN: Ready for World Government?," *Military Review* 75, no. 1: http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=9504282742&site=ehost-live (accessed December 13, 2009).
[53] Anne-Marie Slaughter, "The Real New World Order," *Foreign Affairs* 76, no. 5 (September-October 1997): 184-185, http://search.ebscohost.com.proxy-remote.galib.uga.edu/login.aspx?direct=true&db=a9h&AN=9380479&site=ehost-live (accessed December 13, 2009).
[54] Ibid, 186.

with a course of action if that state felt it was not best for the world. However, the veto power has undoubtedly been utilized for state specific purposes leading to accusations that the veto power promotes UN domination by the P5—especially the United States and Russia. As effective or ineffective as the veto may be, it will never be abolished for several reasons. The first is that theoretically, there is no need to abolish it. It was created to give a few states decisive power—which it has. The purpose has not changed because of the creation or elimination of nuclear weapons. No matter what state the world is in, there will still be the need for decisive power. Even if the Security Council membership is reformed, veto power must be given to a select few. The second and perhaps biggest reason the veto power will never be abolished is that states will never agree to it. The decision to eliminate the veto power will almost inevitably be vetoed, as the states that possess the power will not be willing to relinquish this power. Lastly, in place of the veto, there is no more equitable decision-making option. Although a complex voting system weighted by GDP or population could be created, states such as the US and Russia will be unwilling to trade their advantageous veto power for a weighted voting system that includes all states.

UN Army

The possibility of a standing UN army has existed for as long as the UN itself has existed. Although often proposed, the logistics required to create one and the opposition too one by many of the member states has proved far to great in the past to move the debate past an initial suggestion. A standing UN army could undoubtedly be beneficial. Having a standing army would mean that the army would always be ready for deployment. The existence of an army could also serve as a "prevention" to conflict. In the many conflicts around the world, most often, some sort of peacekeeping force is deployed eventually—usually at the point where

intervention is too late and extremely costly. Having a standing army means that intervention could happen earlier, save money and prevent conflicts from escalating to extreme proportions.

Although a standing UN army could be useful, due to opposition and logistical issues a UN army will most likely never exist. The issue of management is one of the largest obstacles facing the creation of a UN army. Having a UN army made up of soldiers from other countries not only means that citizens of other countries may fight for causes their countries do not favor, but they must be prepared to fight their own state. If the Security Council directed the force, the existence of the veto power could keep it from ever actually fighting anywhere. Reserving it only for conflicts in which all permanent members of the Security Council approved of the mission would significantly reduce the army's opportunity to address conflict. There is also much more that contributes to a successful armed response than forces alone. A U.S. News and World Reports article argues that in addition to troops, the UN would need " U.S. intelligence, communications and logistics support. And any UN troop that ran into trouble would inevitably turn to the U.S. military for help."[55] The involvement of the US would restrain the UN army from being truly independent. Lastly, the cost of such an endeavor would be astronomical. Currently the UN has no way to generate revenue; the UN's army would rely on member states for funding. Although a standing UN army is conceptually a good idea, there is no real way to create one completely independent of the different member states. As long as one member state is more invested in the standing army, it cannot function impartially, as it should.

The existence of other options to replace the concept of a standing UN army represent a medium between the above options: an improvement over what currently exists, but not something that will be mired in logistics and road blocked by the US and other opposing states.

[55] U.S. News and World Report, "A United Nations Army?," *U.S. News and World Report* 121, no. 5 (August 1996): 2-3 (accessed December 9, 2009).

In the article *Is a Standing United Nations Army Possible? Or Desirable?* author Shibley Telhami makes several recommendations for improving the enforcement power of the UN without creating a standing force. Telhami recommends that each state earmark a portion of their forces to be reserved for UN interventions. However, the permanent members of the Security Council should retain their veto power over which conflicts their troops participate in. Additionally, regional organizations such as the African Union (AU) and the Organization of American States (OAS) should play a greater role in conflict resolution. It is more likely for neighboring states to be concerned about conflicts in their region than states on the other side of the world. Consequently involvement by the regional organization allows those who have an interest in the conflict to participate and those who do not to abstain. The intervention by regional organizations in regional conflict should go through the UN however in order to gain assistance where needed. Lastly, Telhami recommends that the UN focus on feasible tasks, attainable tasks in order to become embroiled in quagmires that the majority of the UN has no interest in. Greater involvement from regional organizations could easily remedy the issue of disinterest by some states in certain conflicts allowing for a more limited UN response in conjunction with another international organization.[56]

[56] Shibley Telhami, "Is a Standing United Nations Army Possible? Or Desirable?" *Cornell International Law Journal* 28, no. 3: 681, http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=27665097&site=ehost-live (accessed December 9, 2009).

CHAPTER 6
SCENARIOS: HOW WILL THE UN RESPOND?

Possibly the two most often discussed and feared scenarios in a post nuclear weapons world are the instances of either a rogue state rearming or a terrorist organization gaining nuclear technology. Each scenario poses a different threat to the world and requires different action from the UN.

Scenario 1: Rogue State

The scenario of a rogue state involves a state acting outside of international law and treaties in order to either gain for the first time[57] or regain nuclear weapon capabilities. In order to rearm, the state would need to procure fissile materials for enrichment, develop enrichment facilities, and find scientists who are both willing and capable of carrying out the enrichment and weaponizing process. None of these steps are easily completed, nor could they go unnoticed. To date, no nuclear program has ever been developed without being detected by intelligence from many different states. Yet in the past, simply possessing the knowledge of the development of nuclear facilities was not enough to halt production. In order to be able to prevent rearmament the UN must be able to approach the scenario of the rogue state from both a preventative and an enforcement standpoint.

What is Required from the UN to Address Scenario I?

[57] If the hypothetical state were not originally a nuclear state

The most vital preventative measure the UN can take in order to combat rearmament by rogue states is to secure all fissile material. If states cannot acquire the materials necessary to make a nuclear weapon, the world will not be confronted with the extreme scenario of rogue rearmament. The action of securing the world's fissile materials is one that the UN is not only best equipped to address, but one it has addressed in the past. As it is a transnational issue that requires extensive sharing of information, an international body is better equipped to approach the securing of fissile material than states alone would be. Addressing this issue would require not only a treaty submitting all fissile materials from their natural sources to control of the UN, similar to the proposed fissile material cutoff treaty from the early 1990s[58], but also another body within the UN that can monitor these materials. Successful monitoring of the materials would require not only verification measures to ensure that unauthorized people did not access the fissile materials, but also an enforcement mechanism that could be exercised in the event of a breach of the treaty. Enforcement mechanisms could take the form of sanctions or a military intervention. If a state were to somehow acquire fissile materials, early detection of enrichment facilities would be crucial. By facilitating intelligence sharing relating to nuclear weapons in addition to the intelligence gathered by the IAEA, the UN could then refer back to the enforcement measures to address the rearmament issue.

People with knowledge of nuclear weapon production can be viewed as equally vital as fissile materials to a successful nuclear weapons program. The current monitoring of those who have worked in nuclear weapon production or the defense industry serves as model for the role the UN can play in preventative action.

[58] Bill Clinton first proposed a fissile material cutoff treaty to the General Assembly in 1993. Although the treaty never came to fruition, it had great support from world leaders as well as from subsequent administrations. Currently, President Barak Obama has expressed interest in revitalizing the treaty.

Scenario II: Terrorist Organization

One of the other scenarios the post nuclear weapon world must be prepared to encounter is that of a terrorist organization gaining nuclear weapon technology. Terrorist acquisition of nuclear weapons could occur in one of three ways. 1) A terrorist organization could acquire fissile material, develop enrichment facilities, and posses the technological knowledge necessary to completely construct a weapon on its own. 2) A terrorist organization could receive aid from a supporting state in the form of financial and technological assistance. 3) A terrorist organization could steal nuclear weapons from another state. Out of these three scenarios, by far the most likely is number 2. The odds of a terrorist organization stealing fissile material and enriching it at a hidden facility within an unwitting state are extremely unlikely. Equally unlikely is the possibility that a terrorist organization would have the technological capacity and the resources to pursue nuclear weapons technology alone. It is also unlikely that a terrorist organization would gain nuclear weapons in the post nuclear weapon world by stealing them from another state, because such theft would require that another state would also be clandestinely pursuing nuclear weapons. Although this is possible, it is rather unlikely. The most likely case is the scenario of a terrorist organization pursuing nuclear weapon technology under the protection of a sympathetic state that provides not only concealment but also financial and technological aid.

What is Required from the UN to Address Scenario II?

Addressing this situation would require similar actions of prevention and detection as necessary for addressing the scenario of a rogue state. By properly securing fissile materials, the opportunity for a terrorist organization to even begin the pursuit of nuclear weapons would be eliminated. Additionally, the same intelligence and monitoring that would detect the construction of enrichment facilities would be the same whether or a state or non-state actor is constructing

the facility. The main difference, from the perspective of prevention, between a state and a non-state actor covertly pursing nuclear weapons is the fact that non-state actors have no home state, but instead states that are sympathetic to them and allow them to operate within their borders. In order to address this specific difference, treaties must explicitly state that aiding a terrorist organization in the development of nuclear weapons is expressly forbidden. If a state is found in violation of that portion of the treaty, it is subject to sanctions as well as other enforcement mechanisms previously mentioned.

Framework for Addressing Issues

In both the scenario of a rogue state or a terrorist organization gaining nuclear weapon capabilities in the nuclear free world, the role of the UN will be essentially the same. In order to prevent these scenarios, the UN will draft laws that commit states to the abolishment of nuclear weapons and the maintenance of the nuclear weapon free world. These laws will contain verifications that will make states willing to submit to them. Verifications will also contain proper enforcement mechanisms to be carried out by the UN and its member states in the case of violation. In order to monitor the adherence to these treaties, as part of the verification measures the UN, through the IAEA, will monitor states for transgressions. Information sharing between states that are members to specific treaties will expand the knowledge of the IAEA and allow it to better monitor the nuclear free world. In the even of a offense, the UN will carry out the enforcement as specified in the treaty abolishing nuclear weapons.

Although the abolition of nuclear weapons could not happen without the UN, in the event that nuclear abolition did occur without involvement from the UN, independent states would not be able to adequately respond to the potential scenarios of rogue states or terrorist organizations acquiring nuclear weapons technology. While states like the US and other members of the P5

could potentially monitor and enforce the actions of rogue states, doing so would be at an astronomically greater expense than a collective action. As deterring and preventing rogue states and terrorists from going nuclear is a collective good, independent states would be unwilling to act alone for a result that would benefit all. Additionally, the intelligence of one state would not possibly be able to monitor every aspect of a rearmament scenario: scientists, fissile materials, and the development of nuclear facilities. Instead, a system of information sharing that used a central database to compile information garnered from intelligence sectors, fissile material monitoring organizations, as well as export control regimes would not only greatly increase the chance of detection of rearmament, but would allow states to monitor the situation in a way they simply could not alone.

Current Treaties as Models

There currently exist several databases that serve to give multiple states information regarding global security threats. The existence of these databases not only show that states can relinquish some of their sovereignty for the common global good, but that these databases are just as, if not more effective than single state monitoring systems alone. The Convention on Cybercrime, drafted by the Council of Europe and ratified by fifteen states including the United States, encourages the harmonization of laws relating to cyber crime among the participating states as well as fostering international information sharing in instances of cybercrime. [59]

Other treaties and initiatives that rely on global efforts to create security include the Container Security Initiative (CSI), the Proliferation Security Initiative (PSI), and the UN Security Council Resolution 1373[60]. Each of these contains an element of international

[59] "The Council of Europe's Convention on Cyberc," The Electronic Privacy Information Center, http://epic.org/privacy/intl/ccc.html#summary (accessed December 13, 2009).
[60] UNSCR 1373 obligates states to take measures against terrorism while recognizing that states need to unite their security efforts to best prevent them

information sharing in order to achieve their objective—from monitoring cargo to terrorist actions.

However the strongest example of a functioning treaty that requires member states to sacrifice sovereignty for the sake of the common good is the Non Proliferation Treaty (NPT). Currently there are 189 countries party to the NPT; 40 of those have signed and ratified the treaty including every nuclear weapon state. There are 195 countries in the world—a treaty to which 189 of those countries are a party is a historic achievement. The NPT represents the ability of almost every country in the world to unite in the disarmament movement and sacrifice sovereignty for the common good.

Like the NPT UNSCR 1540[61] is also historic. UNSCR 1540 represents the first binding action the UN Security Council has imposed on its member states. Each state is bound by international law to submit a 1540 report detailing the state's compliance to the three obligations stipulated by UNSCR 1540.

The existence of numerous disarmament related treaties that unite almost all of the world for the common good suggests that treaties outlining a nuclear weapon free world are possible. If the NPT, UNSCR 1540, the BWC, CWC, PSI, and CSI are any indication for the future, the UN will see success in implementing a similar treaty that outlaws nuclear weapons.

Looking at the Past to Predict the Future

Factors leading to the success of the UN are difficult to isolate and identify. Although structure, leadership, and world issues define the way in which the UN interacts with the world,

[61] All states have three primary obligations under UNSCR 1540 relating to such items: to prohibit support to non-State actors seeking such items; to adopt and enforce effective laws prohibiting the proliferation of such items to non-State actors, and prohibiting assisting or financing such proliferation; and to take and enforce effective measures to control these items, in order to prevent their proliferation, as well as to control the provision of funds and services that contribute to proliferation. (The United States Department of State, "UN Security Council Resolution 1540," U.S. Department of State: Diplomacy in Action, http://www.state.gov/t/isn/c18943.htm (accessed December
17, 2009).)

ultimately it is driven by its member states. In regards to disarmament, the UN has seen the most success in treaties and agreements when the treaties are framed in such a way that entice states to exchange sovereignty for the global good, such as the NPT. Using the NPT as a model, its legal framework and verification mechanisms allow is to be successful. Strong verification measures have never existed in a treaty that failed.

In the nuclear weapon free world cooperation and sacrifice of state sovereignty for the global good will define states' foreign policy. Verification measures will be essential not only in the process of eliminating nuclear weapons, but in maintaining a nuclear weapon free world. Strong verification mechanisms will not be possible without a strong legal framework within which verifications are drafted and international organizations that monitor and enforce the verification mechanisms.

CHAPTER 7
CONCLUSIONS AND IMPLICATIONS

As Ernesto Zedillo aptly states, "the abolition of nuclear weapons would be the most ambitious global public good ever undertaken and achieved by the international community." Such an achievement will not occur in the current geopolitical world. Achievement of this goal will require an international body to facilitate trust and to work through obstacles. No one has argued that nuclear abolition can occur without such a body—the debate now consists of how will it be formed. Due to its historical background with nuclear weapons and nuclear disarmament "there would be hardly any alternative to the UN Security Council to enforce a regime of abolished nuclear weapons."[62] This paper outlines three key interrelated areas that will define the future role of the UN in the post nuclear weapon world: international law, verification measures, and international institutions. By evaluating the way in which these areas have affected the role of the UN in the current world, one can trace the effect they will have on the role of the UN in the nuclear weapon free world.

The evaluation of these factors on the UN is just as important as evaluating the way in which nuclear weapons will be abolished. Although the world is still one dominated by nuclear weapons, as the world moves towards nuclear abolition, it is important to examine practically if it can be done and what obstacles may prevent it. This paper highlights some of those obstacles and by looking at the past, suggests the importance of international law, verification measures,

[62] James M. Acton and George Perkovich, eds. *Abolishing Nuclear Weapons: A Debate* (Washington, DC: The Carnegie Endowment, 2009), 290.

and international institutions in the role of the UN in the nuclear free world. In order to demonstrate their importance, two scenarios are discussed with possible outcomes. There is no guarantee that the nuclear weapon free world will be achieved, nor that the UN will take the role examined in this paper, however, it is vital to continue to examine the possible changes that may occur within the UN and the way in which those changes will affect the UN's response to two key scenarios that will inevitably face whatever form the world takes after nuclear abolition.

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