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Weapons Proliferation and Sanctions — Future Opportunities

Sanctions imposed against Iran and North Korea have failed to curb both states' nuclear programs. W Pal Singh Sidhu argues that the key to more effective sanction regimes may lie with talks that cover a broader range of issues, alongside sanctions that have been endorsed by the entire international system.

By W Pal Singh Sidhu for ISN

Since the end of the Second World War and the creation of the United Nations (UN), sanctions have become the pre-eminent politico-diplomatic tool of the international community to settle disputes. The use of sanctions in the post-war era also reflects arguments that they offer a more humane alternative to military action. Since the end of the Cold War, sanctions have increasingly been used to address weapons proliferation – both conventional and weapons of mass destruction (WMD). The imposition of sanctions against Iraq in August 1990 under UN Security Council Resolution 687 was, perhaps, the first instance of this tool being used to deal with nuclear weapons proliferation. Since then sanctions have also been imposed against Syria, Iran and North Korea.

Apart from the UN, individual states (most notably the United States) and groups of like-minded countries (mostly Western industrialized states) have also imposed national sanctions and/or collectively imposed informal sanctions through various export control regimes against countries suspected of nuclear weapons proliferation. Perhaps the most prominent national sanction instrument is the 1978 Nuclear Non-proliferation Act passed by the United States' Congress, which threatens sanctions against any state attempting to acquire unsafeguarded nuclear technology. In addition, the recent sanctions imposed by the European Union (EU) on Iran - alongside those already imposed by the UNSC - are an example of plurilateral sanctions. Similarly, the Nuclear Suppliers Group (NSG) and the Missile Technology Control Regime (MTCR) sought to prevent nuclear weapon proliferation by restricting export of nuclear and missile technology respectively (though not imposing sanctions per se).

Yet, despite this plethora of sanctions regimes, their success in preventing or reversing nuclear weapon proliferation has been practically non-existent. This is on account of several factors.

Poor Track Record

First, there is an assumption that countries seeking nuclear weapons can only build them by acquiring the necessary technological wherewithal and expertise from more industrialized countries in the West.

Thus, sanctions can prevent the acquisition of these essential skills. While this was certainly the case of the early nuclear weapons proliferators, it is less likely today. Given that knowledge and technology can be disseminated more widely and with much greater ease, countries seeking nuclear weapons can now acquire the necessary technology from a variety of non-Western sources that are less inclined to either impose or adhere to sanctions. Besides, liberal use of sanctions against several countries also provides opportunities for the flow of technology and knowledge between sanctioned countries.

Second, even though most proliferating countries initially depended on key external elements for their programs, they were able to eventually establish indigenous nuclear weapons capabilities and insulate themselves against various sanctions regimes, which sought in particular to block the export of weapon-related dual-use technology. Thus, even with the establishment of the NSG in 1974 a number of countries – most notably India, Pakistan, North Korea and even Iraq – acquired the necessary wherewithal to build nuclear weapons.

Third, the work of the NSG was partly dented by the growing indigenous capabilities of the target countries, as well as illicit networks that had sprung up to counter NSG guidelines. And while the network established by the disgraced Pakistani scientist AQ Khan remains the most high-profile example, it is by no means the only one. The Iraqi nuclear weapons program, for example, was almost entirely built by another set of clandestine suppliers, most of who were based in NSG countries. Indeed, although the permanent members of the UN Security Council condemned Iraq's nuclear weapons program, the dossier submitted by the Saddam Hussein regime to the UNSC in December 2002 reads like a 'who's who' of nuclear weapons states. For instance, among those listed as supplying nuclear-capable missile technology to Baghdad, were nine US companies (apart from US government agencies and laboratories) seven British companies and one French company.

Finally, once a country has crossed the nuclear threshold it becomes increasingly difficult to reverse a program by external diplomatic means. In addition, countries may also become a non-NSG supplier of nuclear material for others. This is well borne out by the case of Pakistan and North Korea, both of which have become suppliers of nuclear weapons technology and missiles. Islamabad, for example, reportedly provided Iran with technology for Tehran's alleged nuclear weapons program. Similarly, North Korea is suspected of building a reactor for producing fissile material for Syria, which was subsequently destroyed by Israel.

The near impotent role of sanctions in preventing proliferation leads to three somber conclusions. First, almost any country – irrespective of its economic and technological capability – that decides to acquire nuclear weapons will, despite the best efforts of the international community or the NSG, manage to do so. At best, sanctions might slow or delay programs but they will be unable to stop it. The South African, Pakistani and North Korean programs and Iran's alleged growing capabilities testify to this. Second, every sanctions regime will lead to the creation of a surreptitious network to counter it, as the success of the Khan network exemplifies. Finally, against this backdrop it is evident that the present sanctions against Iran are unlikely to achieve their stated goals if Tehran is determined to go nuclear.

In the case of Iran, while the ratcheting up of sanctions – some of which have been in place since the late 1990s – may have caused oil exports to plummet and the currency to depreciate alarmingly, they have not been effective in curbing Iran's nuclear program. And while the United States and other members of UNSC are now contemplating a new series of sanctions to target Iran's shipping, banking and insurance sectors, there is no certainty that these will be approved. China, for example, remains opposed to imposing new sanctions against the Tehran regime. Commentators have also argued that broad economic sanctions – like the ones aimed at Iran – are inhumane and a violation of human rights. In order to address such concerns, an entirely new approach to sanctions that also seeks to

accommodate Iran's domestic and regional interests may prove necessary.

Future Options

What are the future prospects for sanctions, especially in preventing weapons proliferation? Sanctions which are perceived as being imposed by a select group of countries and do not have universal support appear less likely to succeed. This was the case with the last round of sanctions imposed by the UNSC against Iran, which were voted against by Brazil and Turkey. Accordingly, having sanctions that have been endorsed by everyone, even if they are not draconian, are likely to have broader appeal than those that have not. Here it would be important for the P-5 to seek the support and endorsement of the other emerging powers - notably Brazil, India and South Africa - which are presently not permanent members of the UNSC.

However, even sanctions with the broadest international support are unlikely to succeed by themselves. A dialogue that seeks to address the basic security concerns of the target country should accompany such sanctions. In contrast, a dialogue that focuses only on the nuclear weapon proliferation issue without addressing the underlying security concerns is likely to fail. Indeed, this is one of the reasons that both the Six-Party talks with North Korea and the 5+1 dialogue with Iran have not made any headway; they remain narrowly focused on the weapons proliferation issue. Finally, any sanctions related to weapons proliferation have a better chance of succeeding if they are accompanied by comprehensive, verifiable and irreversible disarmament measures by the five original nuclear weapons states. Not only would these establish good faith, they may even enhance regional and global security. Without such efforts proliferation is unlikely to be prevented let alone reversed.

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