

# The Dangerous Double Game: The Coexistence of Nuclear Weapons and Human Rights

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## The Dangerous Double Game: The Coexistence of Nuclear Weapons and Human Rights

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Much as the existence of nuclear weapons has fundamentally transformed the nature of global politics and warfare, human rights have transformed the meaning of protecting and valuing human life. Amongst many, one interpretation of the human rights violations inherent in nuclear weapons use points to the violation of international humanitarian law, particularly owing to the weapons' disproportionality and inability to distinguish between civilians and combatants (Casey-Maslen 2015, p.668). Equally, some have characterised the use of nuclear weapons as a crime against humanity, since the intended devastation would target a specific population and inflict irreparable damage (Lifton and Markusen, 1990; Casey-Maslen 2014, p.203). The issue this paper addresses is the longstanding paradox where states such as the United States (US) and United Kingdom (UK) vocally uphold human rights and nonproliferation norms while possessing nuclear weapons, and how this paradox manifests differently, albeit still epitomising the 'double game', in other states such as Pakistan and North Korea where the human rights situation is dire.

### Research methods

The central research question posed by this dissertation is: 'How has the existence of nuclear weapons influenced the human rights commitments of nuclear weapon states (NWS)?'. To explore this, the dissertation engages a critical and constructivist lens, particularly guided by norm theory (Finnemore and Sikkink, 1998).

The following questions will guide the answer to this question, with the subsequent analysis chronologically tracing key points in history when the double game of championing nuclear weapons and human rights became particularly salient, notably during the 1940s and 1950s, 1980s and 1990s, and the 21<sup>st</sup> century:

1. What explains the coequality of nuclear weapons and an emergent human rights agenda following the end of World War II (WWII)?
2. How did the nonproliferation and human rights regimes become consolidated?
3. How successful have the nonproliferation and human rights norms been in regulating the behaviour of nuclear 'outlier' states?

The analysis of this paper has been largely informed by secondary research of articles, books, academic and think-tank reports, and national- and international-level reports. The author's own content and framing analysis of 19 statements given by the UK and US at United Nations (UN) First Committee meetings (2010; 2015; 2020), Nonproliferation Treaty (NPT) Review (Rev) and Preparatory (Prep) Conferences (2010; 2015; 2018; 2019), and the 2014 Vienna Conference on the Humanitarian Pledge, is summarised in Chapter 2.

### The Argument

This dissertation argues that the existence of nuclear weapons has influenced the human rights commitments of NWS in complex ways; however, human rights have largely trailed in priority. While the 'legal' NWS who vocally uphold both human rights and nonproliferation continue modernising their nuclear stockpiles, and therefore engage a

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double game of promoting peace and militarism simultaneously, the nuclear 'outlier' states' double game represents an obsession with acquiring nuclear weapons for regional security and power at the expense of human rights. Commitments to nonproliferation and human rights norms are highly dependent on domestic politics, historical grievances and state insecurities. Therefore, this dissertation shows that while the crystallisation of nonproliferation and human rights norms consolidated the 'double game' of the 'legal' NWS paradoxically engaging both, acceptance of these norms has differed across NWS. Why such norms may not be strong enough to enforce a general standard across 'outlier' NWS is also questioned.

Chapter 1 illustrates that with the paradoxically coeval advent of the atomic bomb and human rights regime, the US and Union of Soviet Socialist Republics (USSR) largely played a double game of bolstering their weapons to deter nuclear war and selectively participating in international human rights, while shielding their domestic practices from scrutiny. Chapter 2 traces how the end of the Cold War and demise of a communist 'threat' paved the way for greater US human rights engagement, as America transitioned from a 'judge' of human rights and selectively participating to a 'judge and participant', embracing the role of 'norm entrepreneur', albeit vociferously opposing norms it deems antithetical to its goals (Wessner 1996, p.34). Chapter 3 demonstrates that although the acquisition of nuclear weapons assuaged the perceived regional threats of Pakistan and North Korea, this happened at the expense of human rights, thus manifesting the phenomenon of 'nuke rights' over human rights in the double game.

## CHAPTER 1: Whose rights? A tale of two weapons

Characterising the post-WWII order as one confronted with a multitude of "Pandora's paradoxes" provides a nuanced lens into emerging human rights ideas while scientific discovery drove militarism (Rostow 2015, p.107). Borrowing from Michael Barnett (2011), his contextual scaffolding of the history of humanitarianism sets the stage for exploring the influence of nuclear weapons on human rights in the dynamic global context of competing ideologies, political cost-benefit analyses, and decolonisation. While the world prepared to inaugurate the UN as the new symbol of post-war peace and multilateralism, the US was also preparing to launch a different symbol of the post-war world "with another lobe of its brain", that communicated power, militarism and annihilation (Rostow 2015, p.108). Since the emergence of human rights took place simultaneously alongside the creation of atomic weapons and the ensuing Cold War, this Chapter associates the weapons with the Cold War because this was the historical and political context which pondered their use. This Chapter seeks to explore how the simultaneous birth of nuclear weapons and human rights awareness necessitated a new international world order but was challenged, and arguably disparaged, by the Cold War's battle of ideologies, and vociferously competing domestic voices in the US.

### Chapter 1 (i): A Brave New World

*The beginning of the end: the birth of the atomic weapon*

Although nation-states debated the structure and formalities of the UN for six weeks, it was certain that the post-war world would be the 'age of rights', within which human rights were the "central organising principles" (Roberts 2014, p.7). The emergence of atomic weapons, that cause disproportionate and inhumane suffering, at a time when the lessons of the Holocaust deemed human rights as fundamental epitomises 'Pandora's paradox' between law and the destructive potential of scientific creativity. The infamous MAUD Report detailed that following the demise of Nazi Germany, the atomic bomb had wider capabilities of not only deterring fascist leaders, but also endowing a nation with significant geopolitical influence (Walker 2011, p.32). Additionally, the emergence of a weapon with such destructive magnitude catapulted the world into necessarily redefining power and diplomacy, which UK Prime Minister Winston Churchill warned would cause a 'lag' of sorts in human consciousness as the multitude of consequences, pertaining to science and technological discovery, morality, militarism and sovereignty, would compete with one another (Herz 1962, p.42). Herz (ibid.) extrapolates this 'lag' as the advent of the atomic age challenging the 'hard' shell or territoriality of the modern nation-state, since conventional military power and strategy had been superseded by a weapon that could unleash horror across oceans and continents.

Today, US President Truman's decision to bomb Japan remains a contested issue amongst international relations scholars; however, there is widespread recognition of its violation of international humanitarian law principles due to

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the disproportionate, non-discriminatory and uniquely destructive nature of the weapon (Casey-Maslen, 2014). While some such as Allen and Polmar (2003), and Blum (2010) argue that the 1945 atomic bombings epitomise the 'lesser of two evils' given the number of deaths already amassed, Alperowitz (1965) sophisticatedly reasons that Hiroshima and Nagasaki were more akin to political displays of might and intimidation than military necessity (Cirincione 2007, p.12). When considering the emergence of the UN as a parallel context to this, perhaps most plausible is Barton Bernstein's account of ending the war as Truman's primary aim, with a secondary benefit of challenging a competing rising power (ibid., p.13). Although the atomic project began in Europe, the migration of many European scientists to the US helped catalyse its own atomic stockpile and technology (Walker 2011, p.29). Alongside this, Burnham (1947, p.5) convincingly argues that earlier, President Roosevelt imagined the UN as an extension of the multilateral alliance built during the war, in which the US, USSR and UK would govern the world, particularly emphasising the necessity of bringing the USSR back into a 'family' of nations. In this light, the birth and possession of the atomic bomb soon became synonymous with the notion of an 'American project'. Furthermore, President Truman's characterisation of the bomb as "the most useful [thing]" substantiates Payne's (1998, p.23) analysis of the atomic bomb as the "ultimate trump card": the discovery of the bomb not only boasted huge scientific and military capability, but had huge coercive power that the Allied powers, particularly the US and USSR, necessarily sought to inherit as a consolidation of their global leadership (Herken 1988, p.11).

The statist approach towards security at the time necessarily delegated atomic weapons as protectors of the collective state, facing some undefined, imminent threat, which was captured by the concept of deterrence (Brodie 1978, p.67). Deterrence alludes to a hypothetical scenario where a credible signal is sent to an aggressor that launching an aggressive attack would be met with retaliation, thus inducing the adversary to withdraw its threat. Due to the unstable assumption of 'rationality' that hypothesises 'rational' responses from the adversary, strategic planning becomes highly abstract and thus compels actual strategy and doctrine to be constantly based on a 'worst-case' scenario that heightens fear and anxieties. Carol Cohn's (1987, p.691) signature feminist study exposes the ways in which both the nuclear doctrines and language of the time, which she coins as "technostrategic", not only distanced nuclear and military analysts from the horrors of nuclear warfare, but also enabled them to feel in control of the situation as key 'planners' or actors. Subsequently, Cohn (1987) argues that the phallic, misogynistic and euphemistic language surrounding nuclear capability and use necessarily removed any humanity or individuality from the planning, use and consequences of the weapon, which captures the widespread view of these weapons as tools of war to protect the state. Traditionalist security and defence postures necessarily equated national security with national (military) defence, therefore, the atomic weapon symbolised security *against* other states in the zero-sum game of international politics (Booth and Wheeler 2008, p.138). Although the world was preparing to inaugurate the Universal Declaration of Human Rights (UDHR), no connection had been made between the dangers of atomic explosions and protecting human lives, and, counterintuitively, both coexisted historically and separately, without much acknowledgement of the very paradox their joint existence posed. While the emergence of human rights and the creation of an international society sought to regulate state behaviour, the championed principle of state sovereignty, and a realist analysis of perpetual state insecurity and threat, led to the emergence of the double game.

## *The Genocide Convention: the birth of human rights*

Substantiating this discussion, Samuel Moyn et al. (2010, p.83) attribute the absence of human rights ideas in the 1940s to their lack of function, not only because they were limited to private state diplomacy, but also because they solved no problems: the weak human rights structure, in and of itself, could not provide the solution to any debate. In particular, the first UN convening at San Francisco in 1945 has been characterised as largely bureaucratic, producing "neither direction nor soul", despite the horrors of WWII (ibid., p.62). The unenthusiastic and undefined nature of the human rights agenda represents the post-WWII political context and legacy, whereby powerful states such as the Allied powers distrusted, and therefore half-heartedly supported, multilateralism, on the grounds that it would erode state sovereignty or would be manipulated by others. Meanwhile, international lawyers, such as British lawyer Hersch Lauterpacht, cautioned that such carelessness would result in the UDHR becoming a non-binding declaration of politicised principles rather than a legal obligation, thereby exerting little influence on a community of states that desperately needed to find common ground (Roberts 2014, p.26).

Interestingly, therefore, Churchill's insight on atomic weapons inflicting a 'lag' in human consciousness bears

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parallels with the way in which human rights were received, or better still, not received. Following the Holocaust, Raphael Lemkin's urge to establish universal jurisdiction for prosecuting large massacres of people led to the creation of the 1948 Genocide Convention, which was inspired by the Nuremberg Tribunal at which individuals were prosecuted for genocide and crimes against humanity based on international law that superseded domestic German law (King et al., 2008). Despite this success, Michael Ignatieff asserts that the human rights treaties created after WWII were not "a triumphant expression of imperial self-confidence but a war-weary generation's reflection on European nihilism and its consequences" (Barnett 2011, p.102). Furthermore, that atomic weapons were seen beyond the pale of such standards, despite the recent bombings of Hiroshima and Nagasaki, can be attributed to both a 'lag' in human consciousness which failed to fathom the friction between scientific creativity and law, but more directly, to the emergence of a nuclear nationalism that reinforced the statist approach.

## Chapter 1 (ii): The role of domestic interests

Interestingly, despite their ideological differences, both the US and USSR presented similar attitudes towards implementing the Genocide Convention, seeking to mitigate any leverage it may have on their domestic practices (Weiss-Wendt, 2012). Weiss-Wendt's (ibid., p.189) characterisation of the Genocide Convention as a "forward-looking document, not to be applied retroactively" echoes Lauterpacht's concerns that the human rights agenda was particularly political, ignoring accountability for past atrocities, and installed to serve certain interests above universal rights. This is symbolic of how the Allied powers pursued their interest-based shaping of the new international order. In particular, Carey (1964) and LeBlanc (1988) attribute Soviet rejection of the Genocide Convention to limiting international scrutiny into its domestic practices such as the mass ethnic deportations of minorities, which would be recognised as 'political groups' under the Convention. Similarly, Kaufman and Whiteman (1988, p.311) highlight the importance of the budding Cold War context as a factor influencing US suspicion towards human rights treaties, especially due to the rising threat of communism, the USSR's nuclear device explosion in 1950, the Korean War and a newly communist China. Equally important was the perceived threat on the US Constitution and oversight on the largely separated federal state powers. Although US representatives were involved in drafting the Genocide Convention, severe domestic challenges from a conservative US ideology culminated in the 1951 Bricker Amendment, proposed by Republican Senator John W. Bricker, that intended to protect US sovereignty from intrusive international arrangements and limit the increased power of the executive branch (ibid., p.312). The UDHR and Genocide Convention sparked fears amongst the American Bar Association and Southern Senators because connections had begun to be forged between the standards of international human rights and domestic civil-rights activism most notably led by W.E.B. Du Bois, who compared US racist segregation to colonialism, thus threatening international scrutiny into US domestic practices (Roberts 2014, p.160).

Domestically in the US, Congressional votes provide evidence that while those supporting the Bricker Amendment were motivated by fears of the domestic consequences of ratifying human rights treaties, opposing it said little about the human rights debate within the US. Kaufman and Whiteman's (1988, p.330) content analysis of Senate hearings identified that 93.5% of the arguments made in the 1979 hearings were almost identical to those made in 1953. This unremarkable change in Senate attitudes towards human rights has been attributed to a persistent presence of 'hawkish' Senators, namely pro-defence and anti-Soviet Senators, who were more likely to vote against human rights instruments, largely owing to their staunch commitment to national security as a priority of US foreign policy (Avery and Forsythe, 1979; Wayman, 1985). Therefore, while opposing the Bricker Amendment suggested domestic liberal and progressivist attitudes, it did not connote an emergent respect for and commitment to the global human rights regime. US foreign and security policy was still largely guided by Clausewitzian concoctions of enmity, suspicion and warfare, thus necessarily placing arms control and national security above human rights (Brodie 1978, p.72). Abstaining from subsequent human rights treaties as a compromise to rejecting the Bricker Amendment, the US inhabited the role of 'judge', scrutinising human rights around the world particularly within the Soviet spheres of influence (Wessner 1996, p.32).

## Chapter 1 (iii): Human rights or Cold War propaganda?

The early Cold War environment weaponised human rights to the extent that as the US sought to enforce them to quell communism, the USSR first staunchly rejected them as a Trojan horse for Western liberalism, and later used

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them to delegitimise the former colonial powers to balance against the Western bloc (Roberts 2014, p.167). The paradox of emerging notions of human rights while the superpowers amassed their nuclear stockpiles was exacerbated by another element of the new international order, namely, the rise of bipolarity, which Herz (1962, p.33) asserts was as unexpected as the advent of the nuclear age itself. Arguably, the competing ideologies of liberal democracy and communism were transformed into national ideologies that represented either warring faction, and as the arms race ensued, weapons development reinforced that narrative to channel an emergent 'nuclear nationalism' (Hassner 1997, p.76). While the USSR's communist ideology unsurprisingly regarded the newly conceived civil and political rights as a bourgeois power-move, and instead favoured collective social and economic rights, the Western liberal democracies promoted the former with full force (Foot 2010, p.445). In this light, Morgenthau's analysis of the USSR and US respectively promoting their own "secular religion, universal in its interpretation of the nature and destiny of man" characterises how human rights were relevantly incorporated into, and weaponised by, either ideology (Barnett 2011, p.98). Due to the security dilemma, which spurred either superpower to expand their spheres of influence for security at the cost of signalling aggressive intentions to the other, human rights epitomised a propaganda tool that was used to justify US and Soviet intervention into foreign countries, rather than a post-WWII commitment from the superpowers to engage in international relations.

This hypothesis is evidenced by the number of small proxy wars that took place around the world, epitomising Synder's 'stability-instability' paradox that asserts nuclear weapons decrease the probability of an all-out war but increase smaller conflicts and crisis initiation (Rauchhaus 2009, p.271). Such conflicts were injected with Cold War ideological and political rivalry, which meant that non-governmental organisations themselves were unable to practice their sanctified principles of universality, impartiality and political neutrality (Chandler 2006, p.26). In this light, the superpowers largely treated human rights as extensions of their national security policies, with Chandler (ibid., p.94) portraying this relationship for the US as a "propagandistic representation of the central tenets of Western democratic systems". For the US, this meant actively pursuing regime change in Latin America through the creation of counter-insurgency networks that later gave rise to repressive regimes, and heavily funding humanitarian agencies in the Vietnam war to promote anti-communist and pro-Western ideals (Foot 2010, p.450; Barnett 2011, p.147). Meanwhile, the USSR had intervened in Hungary (1956) and Czechoslovakia (1968) to silence rebellions within the socialist bloc and began encouraging communism in Latin American countries as a counterweight to US global dominance (Foot 2010, p.452; Blasier 2002, p.482).

Arguably, that the paradoxical coexistence of the atomic bomb and human rights led to the prioritisation of the former epitomises the salience of state sovereignty and domestic laws that clashed with the hope for a new international society. This Chapter has shown that human rights couldn't have possibly emerged considerably or fruitfully because hostile ideological polarisation overpowered the new, struggling, alternative ideology of international human rights, that necessarily championed international laws and institutions above the state. Nonetheless, NWS such as the US still selectively engaged in human rights whilst bolstering and modernising their nuclear stockpile, ready for war, thus epitomising the 'dangerous double game' where human rights were at the mercy of global politics and nuclear rivalry. Chapter 2 explores how the institutionalisation of both nonproliferation and human rights norms consolidated the double game by cementing proscribed definitions of 'good' and 'bad' states, albeit temporarily making the world a safer place.

## CHAPTER 2: Institutionalising the good, the bad, and the in-between

Arguably, the emergence and consolidation of both nuclear nonproliferation and human rights can be attributed to their successful normative dissemination into the international community, creating standards and rules by which 'civilised' states abide. While the previous Chapter highlighted that Cold War strategy and national security was static and traditionally realist in practice, this Chapter exposes what Nye (1987, p.372) dubbed the 'Achilles heel' of such theory: interests are non-stationary, dynamic and evolve with the arrival and departure of new leaders. Normative changes and influences coincided with the circulation of regime theory in the US during the 1970s, notably pioneered by Jervis (1985) who argued that states are rational egoists who care little about the welfare of others and thus cooperate in a regime to reap long-term, rather than short-term, benefits. However, as Jervis (1985) highlights, norm-creation and -shaping introduces inherent disagreements over interpretation, gains from cooperation and distrust over exploitation. This Chapter exposes how changing state interests leads to an engagement with certain norms,

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and rejection of others, thus consolidating the double game through the increased ability of either superpower to both engage with human rights and forge the nonproliferation regime as the largest multilateral security regime, founded on a shared understanding of collective security (Booth and Wheeler 2008, p.124). To trace the norms, Finnemore and Sikkink's (1998) three-stage 'Norm Life-Cycle Model' will be used to explore norm emergence, whereby 'norm entrepreneurs' convince a critical mass of states to engage with it, the norms' cascading into the international community, and, finally, its internalisation. Particularly, the nonproliferation and human rights norms are viewed as 'constitutive', meaning they create new interests, attitudes, and actions.

## Chapter 2 (i): Protectors of the world

Functionally, the Détente period between the US and USSR during the 1970s symbolised the genesis of important arms control treaties, such as the Strategic Arms Limitation Talks, Anti-Ballistic Missile Treaty, and the Basic Principles Agreement, with the treaties placing constraints on nuclear competition and the agreement generating norms and standards to guide superpower behaviour (Booth and Wheeler 2008, p.115). Although the Détente collapsed during the Carter administration, it appears that divergent state interests subsided with the consolidation of the nuclear nonproliferation regime, catalysed by the 1960s nuclear issue which Booth and Wheeler (*ibid.*, p.124) characterise as the 'N + 1' problem: it was widely understood that the danger was not only with the NWS' possession, but the potential ensuing domino effect of multiple security dilemmas. Most notably, this concern was voiced by US President Kennedy in 1963 and the Gilpatrick Report under President Johnson, cautioning the potential increase in NWS to '15 or 20 or 25' by the 1970s (*ibid.*). Commonly regarded as the 'cornerstone' of the nonproliferation regime, the 1968 NPT institutionalised the principles of disarmament, nonproliferation, and peaceful nuclear use, the latter two inherited from Eisenhower's 'Atoms for Peace' Program, with the aim of controlling horizontal and vertical proliferation (Nye 1981, p.17).

While Gavin (2015) constructs the non-proliferation regime as a puzzling display of superpower cooperation, Popp (2014) argues that this 'atomic complicity' represented the US-USSR understanding of the dangers of proliferation beyond their own respective strategic initiatives. Alternatively, Tannenwald (1999) convincingly argues that the widespread success of the NPT was reinforced by an already growing norm of nuclear non-use since 1945, representing a moral disgust and renunciation of nuclear weapons. Walker (2011, p.77) supplements this discussion by identifying that since the NPT made no distinctions between communist or democratic states, there was no political or ideological agenda infused in the nuclear non-use norm. The non-use taboo is constructed as a constraining 'constitutive' norm that prohibits states from detonating weapons and inflicting widespread devastation, and thus unifies them under the universal nonproliferation regime, which reinforces this longstanding taboo. Evidencing the Korean War, Vietnam War and Gulf War, Tannenwald's (1999) nuclear taboo can be characterised as having evolved from a constraining and restrictive norm, to a foreign policy ideal of 'civilised states', like the US, in an international community. Walker's reflection on the near-universal acceptance of the NPT in 1995 as epitomising both the "property and manifestation of a true international society" connotes a strong, powerful international norm that supersedes state interests (Booth and Wheeler 2008, p.126). While the superpowers diverged on issues pertaining to ideology and way of life, the threat of nuclear annihilation and urgent need for trust enabled the emergence of a nonproliferation norm and institutionalisation of the nonproliferation regime, which George Bunn asserted had saved the world from between 30 and 40 NWS (*ibid.*).

Sceptics of the treaty argue that its 'grand bargain', namely that while non-NWS (NNWS) abandoned any interest in nuclear weapons and arguably their sovereign right to self-defence, the five 'legal' NWS agreed to undertake negotiations towards disarmament in the future, evidences regime theory's calculation of rational egotistical states institutionalising their own desires. In this light, T.V. Paul (2010) characterises Tannenwald's (1999) 'taboo' as more of a 'tradition' since the norm of non-use has often been manipulated and met with variable inhibition by NWS compared to its absolute inhibitory nature on the actions and behaviours of NNWS, bearing similarities to human rights. Consequently, Finnemore and Sikkink's (1998) analysis of 'norm entrepreneurs' pertains to NWS insofar as they institutionalised certain restraining norms to maintain the status quo. Walker's (2010, p.62) characterisation of the nonproliferation regime as an international order of 'restraint' bears similarities to Craig and Ruzicka's (2013) 'nonproliferation complex', a bureaucratic web of specific NWS interests and doctrines, staunchly promoting nonproliferation and holding proliferator states accountable to the highest degree, while ignoring their disarmament

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obligations. Despite this asymmetry in the nonproliferation regime, the collapse of the USSR and the indefinite extension of the NPT during the 1995 RevCon cemented the nonproliferation regime and liberal world order, or the 'double game', led by the US.

## Chapter 2 (ii): Did human rights end the Cold War?

The disintegration of the USSR that started in 1989 paved the way for America's 'unipolar moment', with President H.W. Bush declaring in 1990 that this geopolitical result had revealed "there is no substitute for American leadership" (Mearsheimer 2019, p.22). Diverging from the materialist accounts that attribute the Cold War's end to economic collapse, Thomas (2005) employs a constructivist individual-level insight to show how Soviet exposure to human rights norms and standards during the late 1970s and early 1980s inevitably influenced Soviet leader Gorbachev's receptivity to liberalising the USSR. While the USSR is a 'hard test' for the normative assessment of human rights because the notions of protecting civil rights and political freedoms were antithetical to USSR ideology of monopolised political power and collective rights, the emergent discourse on superpower cooperation also included collective security, which was frequently employed by Gorbachev to caution the dangers of not cooperating (Thomas 2005, p.113; Booth and Wheeler 2008, p.95). Having signed the Helsinki Final Act of 1975, which aimed to improve the Détente between the Western and Soviet blocs, the Warsaw Pact states witnessed the growth of many dissident movements, such as the Moscow Helsinki Watch Committee, Czechoslovakia's Charter 77, and Poland's Workers' Defence Committee, that monitored their governments' compliance to the new human rights provisions of the Act (Thomas 2005, p.117). In this light, both Thomas (2005), and Booth and Wheeler (2008) argue that, coupled with these changes, Gorbachev's 'new thinking' forced him to question the political repression across the Soviet states, impelling him to integrate the USSR into the international community, particularly through embodying a European identity and adhering to human rights practices and policies.

Furthermore, Malici (2006, p.138) demonstrates that Gorbachev's foreign policy strategy of 'altercasting' necessitated a redefinition of the cyclical superpower security dilemma, which he committed to by transforming US-USSR relations from "a Hobbesian world of enemies toward a Kantian world of friends". For example, in 1985 Gorbachev announced a six-month-long unilateral Soviet moratorium on its deployment of intermediate-range missiles in Europe, as well as a moratorium on all nuclear weapons testing, while Reagan pursued the aggressive Strategic Defence Initiative (ibid., p.137). Booth and Wheeler (2008, p.147) supplement this discussion by highlighting that Gorbachev differed from his predecessors in advancing collective security by ensuring security 'with' rather than 'against' others, despite Washington's continued deep suspicion and negative signalling through weapons modernisation. Importantly, Gorbachev's 'new thinking' characterised nuclear annihilation as the potential for several Chernobyl-like scenarios around Europe, therefore necessitating cooperation between the superpowers to mitigate nuclear war (ibid.). Although the Reykjavik Summit could not fulfil its goals of cooperation towards disarmament, it has been argued that the Reagan administration was particularly impressed by the receptivity and willingness of Gorbachev and his aides to treat human rights as a legitimate issue in the USSR (ibid., p.148). This had important implications for the changing international landscape: as the USSR liberalised under Gorbachev's glasnost and perestroika (openness and transparency) policies, the US found it increasingly challenging to frame it as inherently evil and dangerous.

## Chapter 2 (iii): Are NWS immune from international norms?

As discussed, the US embodied the role of 'norm entrepreneur', arguably both with the intention of maintaining its nuclear and political power, and by circumstance, with the collapse of the USSR and the spread of human rights. Sikkink's (2011) landmark study exposes how the US was able to conceal illegal torture practices at secret detention centres due to its 'exemptionalist' constitutional cape. Despite having ratified the Convention against Torture in 1994, the US attached notable reservations to it, particularly defining 'torture' as narrowly as possible so that US individuals at home and abroad would never be prosecuted for their actions (ibid., p.205). Eventually, the G.W. Bush administration opened investigations into alleged cases so as not to tarnish its international leadership in democracy and human rights (ibid.). This pattern of uniquely interpreting and applying treaties is arguably also evident in the nuclear nonproliferation and disarmament regime, where norms have successfully regulated behaviour insofar as NWS, also permanent UN members, are those promoting the certain standard. Accordingly, while human rights have

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become universalised and a multitude of agencies and institutions have been established as 'watchdogs' for any injustice, the 'protectors' of the nonproliferation regime are coincidentally the only states that possess such weapons, thus enabling them to influence the rules and standards (Craig and Ruzicka, 2013).

While during the Cold War, nuclear, chemical, and biological weapons were separated in this respective hierarchy, the advent of the Gulf War reunited all three weapons under 'weapons of mass destruction' (WMD) in UN Security Council Resolution 687 that sought to eliminate Iraq's acquisition of WMD (Walker 2011, p.113). Throughout the years, the US (First Committee 2010, p.5) has persistently generated a widespread stigmatising and delegitimising norm of biological weapons, particularly framing them as "repugnant to the conscience of mankind". A similar disgrace and immorality is attached to the possession of chemical weapons and Cirincione (2007, p.130) importantly highlights that while countries such as Israel, Syria, and Egypt may remain outside the Chemical Weapons Convention and have likely possessed or used chemical weapons, they refrain from admitting to this because of the stigmatising norm that would delegitimise them as 'uncivilised' states in the international community.

With regards to the recently enforced Treaty on the Prohibition of Nuclear Weapons (TPNW), the NWS have only acknowledged it, paying lip service to it occasionally, and have consistently used their previous disarmament efforts to bulwark against any stigmatisation or delegitimation of their nuclear arsenals. A content analysis of NPT RevCon, PrepCon, and UN First Committee meetings shows that 'human'-related words unsurprisingly increased following the 2014 Vienna Humanitarian Conference, and substantially decreased following this. Following the drafting of the TPNW in 2017, US statements at the First Committee meetings and NPT RevCons exhibited a slight increase in topics related to 'international peace and security', while the UK substantially increased its mentioning of 'security' to a frequency of five. This salience of security-related themes is also evidenced in the 2015 Joint Statement issued by the five legally recognised NWS, in which the word 'security' appears 33 times. As conventional realist and security theory holds, NWS arguably still conceptualise their nuclear weapons as largely belonging to the 'security' domain which necessarily places statist approaches above human-centred initiatives. While the US and UK argue that the NPT already symbolises their "deep understanding of the [weapons'] humanitarian impact", they have also stigmatised nuclear proliferation and other 'legal' NWS, such as Russia and China, rather than nuclear weapons themselves or their own possession (US First Committee 2015, p.1). For example, in the 2019 NPT PrepCon, the US mentioned the word 'rededicate' four times while both the US and UK introduced the word 'together' in 2018, which arguably exemplifies an attempt to bulwark against stigmatisation of their possession. The US (First Committee 2020, p.3) has stigmatised the nuclear possession of other NWS, particularly framing China's nuclear arsenal as "menacing" while Russia's is "unconstrained". In this light, the NWS are not entirely immune to the growing pressure of disarmament, however, their institutionalised positions as 'legal' NWS allows them to bulwark against the nuclear-humanitarian norm, while diverting attention to others.

As Tannenwald argues, the "prohibition regime... requires an internalised belief among its participants that the prohibited item is illegitimate and abhorrent and that the prohibitions must apply to all" (Cirincione 2007, p.131). Therefore, the consolidation of the nonproliferation norm not only entrenched the statist approach to security and weapons but enabled the US to play the double game of developing its nuclear arsenal whilst selectively engaging human rights and promoting norms it had orchestrated. Chapter 3 explores the double game from another angle, evidencing the devastating impact that 'outlier' states' nuclear obsession has had on human rights.

## CHAPTER 3: Modern Nuclear Politics: how strong are the nonproliferation and human rights norms?

Modern nuclear politics are pervaded by a widespread pessimism, indicating that the 'second nuclear age' is to be feared more than the Cold War hostility, due to covert proliferation and regional conflicts (Fettweis, 2019). While the previous Chapters traced the emergence of a liberal international order, which became entrenched in nuclearised security politics albeit crucially consolidating non-proliferation and human rights norms, this Chapter challenges the assumption that such an order can weather the storm of 'non-rational' NWS such as Pakistan and the Democratic People's Republic of Korea (DPRK). In the 21st century, the notion of a 'democratic bomb' has been used to describe turning a blind eye to the acquisition and vertical proliferation of certain states such as Israel, India, and to a lesser extent, Pakistan, while seriously condemning others such as North Korea and Iran (Perkovich, 2006). While such asymmetry exists, the prioritisation of nuclear nonproliferation and arms control in US foreign policy has



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eclipsed both the human rights violations of friendly countries with such 'democratic bombs', and those in 'outlier' NWS such as North Korea, which maintains a deteriorating human rights situation while negotiating with global powers on denuclearisation. This Chapter compares Pakistan and the DPRK, specifically using strategic culture to understand the socio-political and historical contexts that facilitated their respective nuclear acquisition, triggering regional and domestic conflicts that have directly caused humanitarian disasters. Ultimately, examining modern nuclear politics highlights that nuclear 'outliers' engage the double game, albeit owing to different reasons than those of the 'legal' NWS, and shows how the securitisation of state insecurities as existential threats endows them with higher importance than nonproliferation and human rights norms.

## Chapter 3 (i): The nation's lifeline

While the existing literature points to national security, international respect, and domestic politics as reasons for why states acquire nuclear weapons, it lacks a case-study comparison of modern nuclear 'outliers' to draw similarities and differences in their behaviour and actions (Sagan, 1997; Ganguly and Hagerty, 2005). Although Pakistan and North Korea have both been discredited and ostracised from the international community of 'civilised' liberal democracies, they pose a huge challenge to the nonproliferation and human rights regimes that cannot be ignored. Although Islamabad first tested its nuclear weapons in May 1998, the inception of Pakistan's desire for the bomb dates to the 1960s and early 1970s, subsequently invigorated by India's 1974 'peaceful' nuclear explosion, when then President Zulfikar Ali Bhutto notably claimed "we are fighting a thousand years of war with India, and we will make an atomic bomb even if we have to eat grass" (Jalil 2017, p.24). Similarly, Pyongyang repeatedly sought nuclear assistance from the USSR, China and Pakistan during the 1950s, and having successfully constructed the nuclear research reactor at Yongbyon in the 1960s, it dramatically increased its reprocessing and fuelling (Jackson 2018, p.2). In 2003, it withdrew from the NPT and subsequently launched missile and nuclear tests in 2006, 2009, 2013, 2016, and 2017 (Smetana 2020, p.166). Exploring the respective strategic cultures of Pakistan and North Korea explains why they have not conformed to the nonproliferation norms, which they perceive would remove their sovereign right to self-defence via nuclear arms and thus exacerbate their longstanding state insecurities driven by historical grievances.

### *Why did Pakistan want the bomb?*

Using Johnston's (1995) conceptualisation of strategic culture as a set of beliefs, attitudes and practices that guide an elite actor's decision-making regarding the use of force, it is possible to draw similarities between the respective strategic cultures of Pakistan and North Korea in that they are both steeped in militarism, state insecurity, and historical grievance. Using Zionts' (2006) analytical framework of state revisionist policies, Christine Fair's (2014, p.13) landmark book evidences the heavily militarised Pakistani strategic culture that seeks to pursue revisionist policies, such as acquiring the disputed territory of Jammu and Kashmir under its control as a bulwark to perceived Indian threat, and as integral to Pakistan's national identity. Khan (2006, p.502) supplements this by adding that Pakistan's experience of intense and defeating conflict has rendered it an "orphan" in a nuclear-armed world, emphasising how the absence of strong alliances with, and protection from, the bigger powers has exacerbated state insecurity. This narrative is integral to Pakistan's nuclear acquisition since the Army views Pakistan as an inherently insecure state, unjustly partitioned by the ruling British Raj of 1947 that left Pakistan with smaller territory and resources for its nation, and thus giving India more power in regional and global affairs. Runa Das (2010, p.158) similarly points to how the military and political elite have justified weapons development and increased militarisation to protect not only Pakistan's territorial integrity, but also Pakistani ideology and its Muslim identity in the two-nation theory, separate to and warring with India's Hindu identity. Similar to the earlier analysis of statist approaches to security, Pakistan's acquisition of the bomb assuaged its grievances, and its national Islamic identity became intertwined with its new nuclear identity, whereby the weapons bolster the former.

### *Why did North Korea want the bomb?*

Similarly, North Korea's strategic culture has been heavily guided by its threat perception of American regional presence and alliance with the Republic of Korea (ROK) and Japan. North Korea views the US and ROK, rather than itself, as having catalysed the devastating 1950 Korean War, and this historical grievance has been navigated by the

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paternalistic Kim regime in the establishment of a unique, socialist-inspired and family-centric ideology, Juche (Jackson 2018, p.5). Given North Korea's Marxist inheritance, domestically, the Juche ideology epitomises the rule of collective rights, which has manifested into a socio-political and economic hierarchy where those closest to the Kim family receive more and better access to food, education, healthcare, and housing, while the majority of the population live in poverty and are denied access to such basic necessities (Weatherley and Jiyoung 2008, p.274; The Committee for Human Rights in North Korea (CHRNK)). Regionally and internationally, Juche represents a post-colonial and anti-imperial nationalism that signals self-reliance and independence, particularly a strong repudiation of US interference in state affairs (Bolton 2018, p.3). Following its loss of support and geopolitical isolation from China and the USSR, Pyongyang was spurred to bolster its own resources and influence, which has led Jackson (2018, p.24) to sophisticatedly postulate that "North Korea's nuclear obsession was not "caused" by a Juche strategic culture, but the latter enabled the former". Similar to Pakistan, nuclear acquisition assuaged state security fears; however, it also reinforced the longstanding narrative ingrained in Pyongyang's strategic culture which points to protecting the state at all costs against an external existential threat (the US).

## Chapter 3 (ii): 'Nuke rights' or human rights?

The respective threat perceptions of Pakistan and North Korea have been securitised as issues to signal that the very survival of the nation is threatened, serving to legitimise the nuclear narrative and aggressive conventional military postures. McDonald (2008, p.566) defines securitisation as the framing of an issue by an elite or political actor as a threat to a referent object, group, or individual, thus urging emergency action and the cessation of 'normal politics'. Pakistan has securitised India as a national security threat, which Jalil (2017) conceptualises as an 'action-reaction' spiral consequence of the security dilemma, and which Fair (2014, p.136) describes as Pakistan being "neuralgically obsessed with India". Likewise, Pyongyang has been historically securitised by the US due to its adversity and provocation, or as Wit characterises, for being the "poster child for rogue states", which has in turn led Pyongyang to securitise the US as an existential threat to its regime's survival (Wunderlich 2017, p.151). Similar to the Cold War when the US and USSR securitised one another, particularly the danger of the other's nuclear arsenal, Pyongyang has securitised America's nuclear arsenal as "nukes of tyranny", versus its own "nukes of justice" (Howell 2020, p.1060). Understanding the nature and extent of either country's perceived insecurities explains the absence of the restraining non-proliferation norm in nuclear decision-making. This section analyses how nuclear weapons have catalysed the 'stability-instability' paradox, and how the subsequent increase in conventional conflict and worsening human rights epitomises the 'dangerous double game'.

### *Pakistan: stability-instability or instability-instability?*

Throughout their relatively short history, India and Pakistan have fought four wars, in 1947, 1965, 1971, and 1999, and have engaged in a number of heightened conventional crises (Fair 2014, p.14). Given the absence of nuclear confrontation between the two adversaries, Snyder's 'stability-instability' paradox may seem applicable here insofar as stability at the nuclear level may have spurred Pakistan to engage in conventional military adventurism, particularly to fulfil its revisionist agenda of 'reclaiming' Jammu and Kashmir. Indeed, Pakistan's confidence arguably increased following the expansion of its nuclear arsenal, demonstrated by increased periods of low-intensity conflict such as the 1999 Kargil War, the 2001-2002 Border standoff, and militant and Islamist insurgencies in India, Afghanistan, and in Jammu and Kashmir (ibid., p.16). During the 1999 Kargil War, both sides faced significant casualties, with India losing 1,714 military personnel and Pakistan losing 772, and while such Indo-Pakistani wars have been largely attributed to the ongoing Jammu and Kashmir dispute, Bhat (2019, p.78) importantly highlights that within Kashmir, it is believed that more than 80,000 innocent people have been killed due to such regional antagonism (Ganguly and Hagerty 2005, p.143). Arguably, this epitomises the causal correlation between nuclear acquisition and human rights abuses, which challenges the strength and durability of norms established to protect against proliferation and rights violations.

However, Islamabad's recent pursuit of tactical nuclear weapons actually suggests, as Kapur (2005, p.129) most sophisticatedly assesses, that instability at the nuclear level has increased instability at the conventional military level, making the subcontinent more conflict-prone. While there is evidence that Islamabad has supported militant and Islamist insurgents since before its nuclear acquisition, for example using the Jamiat-e-Islami group during the

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mid-1950s in Afghanistan to both eradicate Marxism and pursue strategic depth, the increased support offered to such militant groups and the subsequent increase in terrorist attacks against India elucidate a relationship between nuclearisation and conventional conflict (Fair 2014, p.120; p.16). Kapur (2005, p.138) epitomises this as Pakistan intending to make India “bleed”. A number of instances evidence this: the 1999 Lashkar-e-Taiba attack on the Red Fort in New Delhi; the 2001 Jaish-e-Mohammed attacks on the Indian Parliament; the 2002 Kaluchak massacre of army wives and children; the 2003 Nadimarg massacre of 24 out of 52 villagers, including a number of women and children; the 2006 and 2008 attacks in Mumbai; and most recently, the 2019 suicide bomb attack in South Kashmir on the Central Reserve Police Force, killing at least 50 men (Fair 2014, p.250; Ganguly and Hagerty 2005, p.167; Bhat 2019, p.83).

While this ‘instability-instability’ complex has had grievous consequences in India and Jammu and Kashmir, Kapur (2005, p.146) explains that such revisionist pursuit and conventional conflict has had severe impacts on Pakistan, economically, damaging its international reputation, and suffering the huge loss of lives. Using a Global Terrorism Database, Fair (2014, p.255) finds that between 2000 and 2011, Pakistan experienced 3,209 terrorist attacks, in which 7,334 people died and 14,652 were injured, and she attributes this to the government’s increased anti-terrorism efforts that have been met with increased violence from Islamist and militant groups. In another study, Fair (2011, p.120) stipulates that acid attacks on women and girls, and increased violence towards religious minorities motivated by jihadi militants, evidence that “nuclearisation has enabled, if not emboldened, Pakistan’s use of militancy”. In this regard, while Pakistan’s nuclear acquisition emboldened its perceived strategic strength and its pursuit of revisionist policies, its engagement in conventional skirmishes has directly and severely damaged the human rights of its population.

Interestingly, Tannenwald’s (1999) nuclear non-use taboo resurfaces in the discussion of supposedly ‘non-rational’ NWS, particularly Pakistan, and Carranza (2018, p.451) argues that despite nuclear weapons being glorified in Pakistan with the construction of monuments commemorating the May 1998 nuclear tests, the nuclear taboo has prevented both India and Pakistan from pursuing a nuclear strike by forcing a consideration of costs to their global reputation. On the other hand, Ganguly and Hagerty (2005, p.132) use a more realist lens to postulate that Pakistan’s weapons have deterred India from pursuing a major conventional strike. While the world has been saved from nuclear exchange thus far, Abdullah (2018, p.159) cautions that a lack of military utility for a nuclear strike may have instead limited either adversary from pressing its ‘nuclear button’, therefore, analysts and policymakers should not rule out such an exchange, given that Indo-Pakistani antagonism is rooted in perceived irreparable historical grievances. Suffice to say that Pakistan’s nuclear acquisition has not only emboldened its perception of regional and global power but has also led to an increased reliance on conventional militant conflict, which has had devastating impacts on the human rights and civil liberties of its population, who are ‘collateral’ in such regional skirmishes.

## *North Korea: ‘nukes of justice’*

While Pakistan’s ‘double game’ is attributable to an ‘instability-instability’ paradox, or when considering restrained Indian retaliation, perhaps ‘instability-stability’, it is unclear whether such a phenomenon has occurred on the Korean Peninsula (Fair 2014, p.202). Unlike Pakistan, North Korea has not pursued very revisionist or aggressive policies in the region; however, it has engaged in spouts of antagonism and tension with the US, its main adversary. Roehrig (2016, p.190) highlights that Pyongyang’s risk-taking behaviour cannot be clearly causally correlated with its nuclear acquisition, citing the Blue House Raid in 1968 where a commando team of 31 men attempted the assassination of ROK President Park Chung-hee, as a provocation that occurred before Pyongyang developed weapons. Similarly, a report to the US Congress found that between 1954 and 1992, Pyongyang infiltrated 3,693 armed agents into the South, with the period between 1967 and 1968 accounting for 20% of this (Congressional Research Service 2007, p.2). Equally, the North has provoked the US, for example, engaging in many small firefights along the demilitarised zone, including during a visit from former US President Johnson in 1966, forcing down US aircrafts, bombing two US infantry barracks in the South in 1967, and seizing the USS Pueblo in 1968 which had more than 80 US sailors onboard (Jackson 2018, p.21). Roehrig (2016, p.191) points to two particular provocations in 2010, the sinking of ROK’s Cheonan which had 46 sailors on board, and the artillery shelling of the South’s Yeonpyeong Island which killed four, to evidence the continued and arguably more intense conflict from Pyongyang.

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Has the 'stability-instability' paradox been at play on the Korean Peninsula? Roehrig (2016, p.190) asserts that during such instances of conventional conflict, Pyongyang's arsenal was relatively new and unlikely to be operational, therefore insufficiently credible. Furthermore, following President Bush's 'axis of evil' speech, Pyongyang withdrew from the NPT in 2003 and embarked on testing and cyber-attacks, but never offensively used its nuclear weapons. While Jackson (2018, p.21) cites the US Central Intelligence Agency as characterising Pyongyang's previous actions as "acts of adventurism", he argues that studying the Korean Peninsula through this framework poses challenges because the region has "always exhibited the characteristics of stability-instability" (ibid., p.50). Perhaps Bluth's (2017, p.50) conceptualisation of the Korean conflict as 'persistent conflict' is most useful here because North and South adversary is defined by a fundamental and persistent conflict grounded in the claim of either state that its nation represents the Korean nation, and thus would naturally inherit leadership after reunification. Therefore, the incidences of conventional and infiltrated conflict are better characterised as 'persistent conflict' which are not necessarily correlated with the North's nuclear capabilities but are all the more dangerous because of the North's nuclear arsenal. Nonetheless, McEachern (2018, p.115) cautions that totally ignoring the role of nuclear weapons in Kim's behaviour leads to a misconception of how integral these weapons are to Kim's perception of regime survival and state power. Consequently, Pyongyang dangerously entertains asymmetric conflict escalation, by using its nuclear arsenal to quell US retaliation, while provoking South Korea, to both embolden its standing vis-a-vis the two and force reunification on its own terms.

This analysis points to the security-insecurity nexus in North Korea that epitomises Pyongyang's increased militarisation and defence spending to bulwark perceived threats, which requires segmenting a huge proportion of GDP for weapons development, rather than for the population (Roy, 1997). Jackson (2018, p.201) formulates this as Kim rationalising the need for hardship as a necessary requisite to bolster the North's nuclear deterrent, thus acquiring international respect and sanctions relief, which would allow him to reinvest into the economy and population. Historically, Juche has manifested into the songun (military first) policy under Kim Jong-il, where he devoted at least 30% of the North's GDP to the military, and the byungjin policy under Kim Jong-un that bridges nuclear development with the economy (Pratamasari 2019, p.27). The Kim regime's promise of economic prosperity has waned over the years and has instead taken a huge toll on North Korea's population: numerous South Korean and US reports document stark human rights violations, the overwhelmed political prisons and labour camps that contain an estimated 200,000 people at any time, the denial of equal access to food which has exacerbated the famine from the 1990s and increased mortality, and the increased migration of refugees to China, with an estimated number of anywhere between 50,000 and 300,000 (CHRNK, US State Government Report, 2019).

It is important to note that although the human rights situation may be correlated with the redirecting of financial resources towards weapons development, it is also strongly linked to the Juche ideology and socio-political hierarchy. Essentially, while Juche enables nuclear development *and* denies human rights, the former also negates the latter. While the US has historically attempted to engage Pyongyang in denuclearisation talks, for example the 'nuclear freeze' policy of the Clinton Administration's 1994 Agreed Framework, the Bush administration's 2005-2008 Six-Party Talks, and even the contrasting Obama and Trump administration policies of 'strategic patience' versus 'strategic accountability', it has failed to prioritise Pyongyang's dire human rights situation (Jackson 2018, p.27). In this light, 'rational' theories on state behaviours cannot be applied to the North Korean case because they fail to grasp just how integral the North's nuclear weapons are to its perceived regime survival and protecting against foreign intervention. As with Pakistan, nuclear acquisition has arguably made the region highly unstable through increased confidence in conventional conflict, epitomising the 'dangerous double game' where human rights, such as the right to healthcare, food, and living in peace, are forfeited.

## *Chapter 3 (iii): Engaging the 'outliers'*

Pakistan's and North Korea's respective violations of nonproliferation and human rights norms are strategically explicable, therefore, characterising them as 'mad mullahs' superficially undermines their political and historical contexts (Barkawi and Stanski 2013, p.1). Khan (2006) sophisticatedly argues that US policies ultimately failed in preventing Pakistani nuclear acquisition because policymakers never judiciously grasped Pakistan's insecurity as a result of historical grievances, such as the 1947 Partition and the 1971 Bangladesh War, and subsequently, sanctions collapsed when the US required Pakistani support during the Cold War. For example, in 1981 the Reagan

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administration supplied Pakistan with 40 F-15 fighter-bombers and \$3.2 billion in aid, and similarly, Pandey (2018, p.8) recalls how the US violated its own Pressler Amendment in 1990 when it proceeded to license commercial trade to Pakistan and later endowed it with an economic aid package of \$1 billion (Rabinowitz and Miller 2019, p.79). Recently, former US President Trump reduced security and military aid to Pakistan, following years of US criticism of Pakistani support for terrorist networks such as the prominent Haqqani Network, and sought to return Pakistan on the intergovernmental terrorist watchlist and the Financial Action Test Force (Khan 2018, p.1). Khan (*ibid.*, p.7) argues that such policies are unlikely to alter Pakistan's behaviours because its calculations are grounded in the military's perceived insecurities and historical grievances that compel it to suspect India's and America's geopolitical advances. Therefore, Pakistan's state insecurity may necessarily render it immune to the nonproliferation norm, thus epitomising the 'nuclear rights' over human rights phenomenon.

Similarly, Pyongyang has been met with severe economic and humanitarian sanctioning from the international community, but arguably again, policies have failed to adequately consider its colonial past and how this is intricately linked to national security prerogatives. Economic aid to North Korea has included a package of 300,000 tons of rice, 500,000 kilowatts of electricity, 810,000 tons of food and 200,000 tons of fertilisers under the Agreed Framework, before Pyongyang violated it (Pratamasari 2019, p.31). Between 1991 and 2015, South Korea contributed at least \$7 billion, with an additional \$1.3 billion from the US, and more from China, South Korea and Europe (Stanton et al. 2017, p.67). The US has also periodically sought to improve North Korea's human rights situation, for example by passing many UN resolutions and the 2004 North Korean Human Rights Act, signed by President G.W. Bush to promote human rights and democracy, provide humanitarian aid, and increase the dissemination of information (Ulferts and Howard 2017, p.88). While Pyongyang's leadership periodically seems to acquiesce to these concerns, Pratamasari (2019, p.25) argues that Kim Jong-un uses such negotiations to lure the US into providing further aid and assistance, while the North continues its weapons development. The discrepancy between Pyongyang's detrimental human rights and its ratification of key UN human rights conventions supplements this (Weatherley and Jiyong 2008, p.273).

Arguably, the world came strikingly close to a nuclear crisis in 2017, following the gradual decay of US-North Korean relations, and Pyongyang's unwavering determination to embolden its nuclear deterrent (Jackson 2018, p.5). Former President Trump's rhetoric quickly transformed from calling Kim a "pretty smart cookie" and asserting "if it were appropriate for me to meet with [Kim], I would absolutely, I would be honoured", thereby tacitly accepting North Korea as a state to be reasoned with and ignoring its human rights abuses, to Tweeting "will someone from [Kim's] depleted and food starved regime please tell him that I too have a Nuclear Button, but it is a much bigger & more powerful one than his" (*ibid.*, p.118; p.169). President Trump's willingness to overlook the North's dire human rights realities in pursuit of complete denuclearisation epitomises another facet of the double game whereby weapons are prioritised over human rights, thus challenging human rights norms. It is unclear whether there is evidence of Tannenwald's (1999) nuclear non-use taboo given the highly inflammatory exchanges between leaders, suffice to say that the state insecurities of these 'outliers' has enthralled them into the 'dangerous double game' of prioritising 'nuclear rights' over human rights. This Chapter extrapolated the behaviours of Pakistan and North Korea from their respective strategic cultures, finding them strategically explicable given their socio-political contexts and insecurities and thus explaining the lack of restraint they face from the nonproliferation norm. However, it is equally evident that while sanctioning measures are redundant, nuclear acquisition has indeed led to increased regional militarisation and conventional skirmishes, which directly damage the human rights of innocent populations.

## Conclusion

This dissertation has characterised the connection between nuclear weapons and human rights as one of a 'dangerous double game' throughout history, particularly noting that while at the beginning of the Cold War human rights were seen as a gambit employed by either superpower, the 1970s welcomed greater US engagement with international human rights, and thus the consolidation of the 'double game'. Arguably, the combination of a changing geopolitical landscape and America's dissemination of liberal democracy sparked the change in Soviet foreign and domestic policy, creating a new international liberal order with regulating norms. However, while nuclear diplomacy and collective security mitigated the proliferation of many NWS, the double game was not only exacerbated by the violation of certain human rights norms and asymmetry in the nonproliferation regime, but by the nuclear 'domino'

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effect spreading around the world, notably in Asia. Pakistan and North Korea similarly engage the double game: pursuing nuclear weapons to assuage historical grievances and insecurities while directly harming human rights.

Extrapolating similarities and differences in threat perceptions of nuclear 'outliers', particularly who and what has been securitised, can be instrumental in guiding foreign policy and international responses to future provocations. Despite employing a critical and constructivist lens, and analysing secondary literature from a wide range of publications and sources from around the world, this dissertation is inevitably biased. The critical and constructivist schools of thought are still very Western-centric, and due to a lack of space, other analytical lenses, such as feminism and post-colonialism which have important contributions to human rights practices and policies, have been ignored. Because norm theory only identifies norm acceptance or rejection, rather than providing ways to solve the latter, further research through a feminist and post-colonial human-centred lens could be useful in holding 'legal' NWS accountable to their disarmament obligations and refraining from playing the 'double game', which ultimately renders their human rights rhetoric as insincere and performative.

While Pakistan and North Korea arguably represent isolated cases in nuclear history, as NPT 'outliers' who obsessively seek weapons at the detriment of human rights, their behaviour is nonetheless strategically explicable, owing to their statist obsessions with militarily overcoming socio-political and historical insecurities. In this regard, more research should be dedicated to diplomatic methods of strengthening nonproliferation and human rights norms, so that they are upheld as more valuable and crucial for the international community than militarism and antagonism. Given more space and time, a thorough content analysis of statements, press releases and publications, as well as interviews of government elites, would greatly benefit the field's understanding of Pakistan and North Korea's changing insecurities and geopolitical priorities. While previous policies of heavy sanctioning or military force have proved ineffective and unsustainable, new channels for diplomacy and negotiation are crucial for protecting the human rights of populations that are at the mercy of regional skirmishes, perpetuating the deadlock of 'nuke rights' over human rights. Even more so, the Bulletin of Atomic Scientists' (2021) estimation that we are now '100 seconds' away from 'midnight' or total annihilation is concerning. Further research and advocacy should be directed towards emphasising the link between the immorality and destructiveness of nuclear weapons, and the threats they pose to humanity and the planet.

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