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THESIS

THE BARUCH PLAN REVISITED

by

Robert M. Johnson

September 1993

Thesis Advisor:

Patrick J. Parker

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The Baruch Plan Revisited

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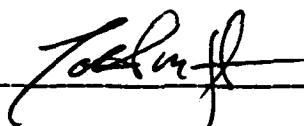
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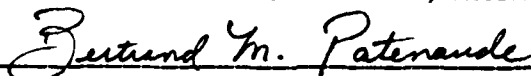


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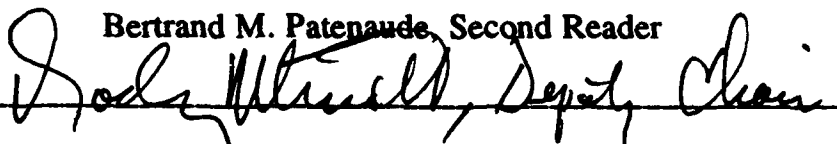
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ABSTRACT

The primary concern in world politics is the proliferation of nuclear weapons. With the end of the Cold War, and dramatic changes in Eastern Europe, many experts believe that international control of nuclear weapons is possible. This thesis examines the Baruch Plan as a model for international control of nuclear weapons. In doing so, this thesis outlines the original plan and details the initial criticism. The International Atomic Energy Agency is examined for its capability in the areas of inspections and verification. The enforcement capability of the United Nations is also discussed. This thesis concludes that the political climate is favorable for such dramatic changes however, the organizations which would be responsible for the maintenance of the system, namely the IAEA and the United Nations are not yet ready to assume their role.

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EXECUTIVE SUMMARY

The Baruch Plan Revisited

LCDR Robert M. Johnson

September 1993

The political environment has changed dramatically within the past five years. The failure of the communist experiment, the rapid spread of democracy in Eastern Europe, and the reunification of Germany have brought forth a new generation of hope in nuclear arms control. These very same changes have unleashed a tidal wave of nationalism and ethnic strife which threatens to drown this opportunity before its potential is even realized. In this political climate, a call for a new paradigm has been introduced. This paradigm is one which centers around the international control of nuclear weapons, and in fact, is an old paradigm known as the Baruch Plan.

This thesis examines the Baruch Plan as presented in 1946 and presents the main themes of the plan and its main criticisms. It argues that the barriers which once stood in the way of approval have been swept away in the aftermath of the Cold War.

For the concept of international control of nuclear weapons to work, there must be in place a system to regulate the use and to enforce the misuse of atomic energy. To this end, the International Atomic Energy Agency (IAEA) is looked

to for the regulation of the peaceful use of atomic energy. The enforcement of its regulations is differed to the United Nations.

In its brief history, the IAEA has been credited with most of the success in actual arms control talks. Its structure and open forum on nuclear power, though centered on the peaceful application of atomic power, has allowed for major negotiations and agreements on nonproliferation issues. However the IAEA has suffered major setbacks in the credibility of its safeguards systems to the point of open hostilities. The Gulf War clearly illustrates a need for stricter safeguards and tighter control of critical technologies.

The roles of the United Nations are expanding into areas of peacekeeping, peace-enforcement, peace-making, and collective security. Despite its new found favor in the world, the United Nations is not yet able to accept the role of enforcer and protector of an international stockpile of nuclear weapons. The changes necessary for the United Nations to assume this role are discussed in this thesis.

A revised and revisited Baruch Plan would give future generations a chance to live a life void of the fears associated with nuclear weapons. The IAEA and the United Nations are capable of implementing and enforcing such a plan once some basic changes are in place.

I. INTRODUCTION

The current world political climate may be characterized as dynamic. The break up of the Soviet Union and the establishment of the Commonwealth of Independent States marked the end of the Cold War. The reunification of Germany and the removal of the Berlin Wall tore down the Iron Curtain which served as a barrier to communications between the two superpowers as much as a partition of a city and a people. Amidst the democratic gains in the former Soviet Republics and Eastern Europe, an undercurrent of nationalism has plunged the region into turmoil as rival factions struggle to gain control, made possible by their newfound freedoms. The possibility of nuclear proliferation now threatens world peace more than the poised weapons of the two superpowers ever did. It is in this climate that the concept of international control of nuclear weapons is once again being revisited.

In 1946, the world stood at a door of opportunity of a nuclear weapon free world known as the Baruch Plan. Had the world community walked through this door and adopted the Baruch Plan, the course of world events from that moment on would have been dramatically changed. Several years later, discussions were undertaken to stop the production of the hydrogen bomb. With vastly increased explosive power, the hydrogen bomb would render the atomic bomb obsolete. President Truman decided to go ahead with development and on October 31, 1952, the first hydrogen bomb was exploded on Eniwetoc. This explosion rocked the earth with 800 times the power and energy of the bomb

dropped at Hiroshima. With this explosion, the second opportunity for a nuclear free world was lost. Four decades later, amidst the turmoil of rising nationalism and struggling democratic reforms, a not-so-quiet call is being made to grasp at the opportunity presented in this unique environment for controlling nuclear weapons – an opportunity that may never be come again. Unlocking this door of opportunity using the Baruch Plan as a model, may offer a solution to the terror and fear associated with nuclear weapons.

In order to be able to take advantage of today's opportunity we must analyze the Baruch Plan in its original context and understand what the plan actually was, what the criticisms of the plan were, and why it was not implemented. In chapter two, not only will these questions be answered but the Baruch Plan will also be analyzed for applicability in today's environment.

A major part of the Baruch Plan was the need to establish an Authority to oversee the management and control of atomic power in any form. In this effort, the United Nations Atomic Energy Commission (UNAEC) was established in January 1946. In chapter three, the UNAEC will be examined to see how the mandate received from the Baruch Plan has been implemented into the IAEA and in the case of Iraq, see how and why they have failed. In that context, the capabilities of IAEA and associated organizations will be examined in order to determine if an international organization is capable of performing the role necessary to detect and help prevent future illegal nuclear weapons production.

The outrage expressed in the international political arena concerning the advance stage of development of Iraq's nuclear weapons program and

the extremely difficult time the United Nations inspection teams had in uncovering the Iraq's program pose serious questions as to the capabilities of the United Nations in matters such as these. In Chapter IV, the role of the United Nations in the detection and prevention of upstart nuclear weapons programs will be addressed. Lessons learned from Iraq will be included. North Korea's recent withdrawal from the Nuclear Nonproliferation Treaty (NPT) and the historical exceptions made by the United Nations on behalf of North Korea with regards to the provisions of the NPT will also be detailed. In this light, the paper will present concepts which, if implemented, would increase the effectiveness of the United Nations in these matters.

The end of the Cold War has made possible dramatic down-sizing of the nuclear arsenals of the world. Bilateral and unilateral actions have proposed nuclear arsenals of one-eighth the size of the arsenals managed during the Cold War. The final chapter will attempt to consolidate the arguments concerning international control of nuclear weapons in light of the capabilities of the international actors presented in the paper and determine the feasibility of a revisited Baruch Plan in the current or future environment.

II. THE BARUCH PLAN

The concept of international control of atomic energy had its birth in proposals made by the Allied Powers in November 1945. At the first meeting of the United Nations General Assembly in January 1946, the United Nations Atomic Energy Commission (UNAEC) was established in a subordinate position to the United Nations Security Council. This commission, proposed by the United States, Great Britain, and Canada, and endorsed by the Soviet Union, had a agenda of four items:

1. provide for exchange of information relating to the peaceful use of atomic energy;
2. control atomic energy to the extent necessary to ensure its use only for peaceful purposes;
3. eliminate atomic weapons and all other weapons of mass destruction;
4. establish safeguards and inspection procedures to ensure compliance and protect complying states.

That spring, Secretary of State James F. Byrnes appointed a committee to present an American plan for international control. David E. Lilenthal and J. Robert Oppenheimer drafted a proposal in consultation with Undersecretary of State Dean Acheson and Bernard Baruch, the American

representative to the UN Atomic Energy Commission. Within this framework, Bernard Baruch addressed the UNAEC in June 1946 with a reworked version of the Acheson-Lilenthal Report which became known as the Baruch Plan. [Ref. 1:p. 7]

The Baruch Plan first proposed the creation of an International Atomic Development Authority (IADA) "to which should be entrusted all phases of the development and use of atomic energy, starting with the raw material and including:

1. Managerial control or ownership of all atomic-energy activities potentially dangerous to world security.
2. Power to control, inspect, and license all other atomic activities.
3. The duty of fostering the beneficial uses of atomic energy.
4. Research and development responsibilities of an affirmative character intended to put the Authority in the forefront of atomic knowledge and thus to enable it to comprehend, and therefore to detect misuse of atomic energy. To be effective, the Authority must itself be the world's leader in the field of atomic knowledge and development and thus supplement its legal authority with the great power inherent in possession of leadership in knowledge."[Ref. 1:pp. 10-11]

Secondly, Baruch proposed several concessions the United States would make including stopping production of atomic bombs, disposing of existing bombs and the providing of all information for the production of atomic energy to the Authority. These concessions would become

effective once "an adequate system for control of atomic energy, including the renunciation of the bomb as a weapon, has been agreed upon and put into effective operation and punishments are set up for violations of the rules" [Ref. 1:p. 11] were established.

Baruch was a staunch supporter of an organization which had the power to enforce the provisions of the proposed treaty with "immediate, swift and sure punishment." [Ref. 2:p. 97] This promise of retribution to an offending country would be enacted for any of the following five circumstances:

- "1. Illegal possession or use of an atomic bomb;
2. Illegal possession, or separation, of atomic material suitable for use in an atomic bomb;
3. Seizure of any plant or other property belonging to or licensed by the Authority;
4. Willful interference with the activities of the Authority;
5. Creation or operation of dangerous projects in a manner contrary to, or in the absence of, a license granted by the international control body." [Ref.1:p. 12]

Baruch also proposed that the veto power of the permanent members of the Security Council be removed from the charter on the issue of atomic energy. On this issue, Baruch and Secretary of State Dean Acheson differed dramatically. It was imperative in Baruch's view that veto power be denied to assure the safety and security of all nations complying with the treaty. He argued that there was no time to debate issues of

punishment while a country not in compliance hurried to arm itself with atomic weapons. In this case only, Baruch felt that a majority vote by the Security Council would be sufficient to initiate punitive actions.

The Baruch Plan was made more complete in its analysis and proposals through the suggestion of measures to the structure for the IADA in order to eliminate some of the problems Baruch believed the plan would encounter in the ratification process. The first issue Baruch attempted to squelch was that of the sovereignty of nations and how this supranational Authority was to conduct its business within the affected nations. Baruch proposed the guidelines that "the authority set up a thorough plan for control of the field of atomic energy, through various forms of ownership, dominion, licenses, operation, inspection, research, and management by competent personnel. After this is provided for, there should be as little interference as possible with the economic plans and the present private, corporate, and state relationships in the several countries involved." [Ref. 1:p. 13]

In defining the realm of responsibility of the IADA, Baruch proposed that the Authority "obtain and maintain complete and accurate information on world supplies of Uranium and Thorium." [Ref. 1:p. 13] In this effort, the IADA would conduct continuous surveys to determine the world sources of these elements. Once these locations were noted, the IADA would manage the extraction, production and distribution of the mined resources. The Authority would "exercise complete managerial control of the production of fissionable materials. This means that it should control and operate all plants producing fissionable materials in

dangerous quantities and must own and control the product of these plants." [Ref. 1:p. 14]

Due to fears based on security threats, Baruch also proposed that "stockpiles of raw materials and fissionable materials should not be centralized"[Ref. 1:p. 14] and that activities entrusted to IADA would similarly be distributed throughout the world to minimize the security threat.

The issue of inspections as a part of licensing functions of the Authority was used to ensure that nations developing atomic energy would be monitored to ensure that only peaceful applications of atomic energy would be developed. Since the Authority would be composed of experts of international background, it was thought that inspections would not be seen as possible intelligence opportunities.

The Baruch Plan was an outline for discussion designed to stimulate the other participating states into counter- proposals so that an eventual compromise could be obtained which would achieve the main objectives of the plan. These were:

1. An international authority would control all facets of atomic energy development;
2. This international authority would have enforcement powers over non-abiding countries;
3. Veto power would not be given to any single country over a majority vote by the Security Council;
4. The atomic bomb would be removed as a weapon of war.

With such lofty goals, controversy was sure to follow.

A. THE SOVIET RESPONSE

The Soviet criticism of the Baruch Plan was predictable in its rhetoric and warped interpretations. The Soviet mistrust of the United States was evident in the careful wording of their response. Upon closer scrutiny, the Soviet criticism made perfect sense from their point of view. It is important to note that this Soviet mistrust of the United States was in part due to the newly-formed United Nations, which was viewed as another political body which the United States would use to further isolate the Soviets from world events at the very minimum, would act as a vehicle for American foreign policy. From this perspective, the Soviets expressed seven points of contention with the US proposal.

The Soviets, who were rapidly developing the atomic bomb and were closer to achieving this goal than the rest of the world realized, rejected the proposal since in the words of a Soviet political analyst, Alexandr Yefremov, "this plan would actually have left atomic weapons in the sole possession of the United States." [Ref. 3:pp. 14-15] In fact, the Soviets were correct in this observation. The plan called for a complete surrender of all capability to develop the bomb. Until this condition was met, the United States would maintain its arsenal of atomic weapons. A corollary to this observation, which Yefremov states was that the "American proposal to set up an International Atomic Development Authority would have brought all the sources of nuclear fuel in the world under US control."

[Ref. 3:p. 15] This was in keeping with the idea that the United Nations was just a pawn of the United States.

A third objection Yefremov notes was that "this authority was to have exclusive rights both in research into atomic explosions, and in the production of fissionable materials." [Ref. 3:p. 15] The United States was to have enjoyed a dominant position under Article 11 of the Baruch Plan, in which it was stated: "The personnel of the Authority should be recruited on a basis of proven competence, but also as far as possible on an international basis." [Ref. 1:p. 15] Such a formula gave priority to "proven competence." To the Soviets, this meant that "US nationals would have a prevailing influence among the personnel of the Authority, since it was the American scientists and specialists involved in creating the atom bomb who could be regarded as being of proven competence in atomic matters." [Ref. 3:p. 15] Thus, a statement within the body of the plan designed to counter the notion of US dominance by stating the Authority would be of international origin proved to be a major stumbling block with the Soviets.

This perceived U. S. dominance of the Authority led to another complaint by the Soviets. Yefremov explains "the Authority, possessing unlimited powers and consisting primarily of Americans, could act in US interests and limit the possibilities of atomic energy being used for peaceful purposes by other countries." [Ref. 3:p. 15] This seems to be in line with Soviet rhetoric concerning the US and with the Soviet perception of the United Nations at the time.

The Soviets believed not only that the US would retain a nuclear monopoly, preventing the research and development of peaceful uses of

atomic energy, but that the US would also be allowed and intended to continue to stockpile nuclear weapons. Yefremov expressed this concern in the following manner:

"The Baruch Plan was designed to enable the USA to continue producing and stockpiling atomic weapons indefinitely. This circumstance was mentioned, for example, by Secretary of State dean Acheson, who said that the plan did not require the United states to discontinue such production either when proposing the plan or when the Authority commenced activities. Atomic weapons would thus remain in the US arsenal. Furthermore, it followed from Acheson's statement that the US decision on placing atomic weapons under the control of the Authority would be taken in the context of all the facts of the international situation and proceeding from supreme political considerations regarding US security. This meant that the US Administration would always be able to drag its feet in the matter of placing atomic weapons under international control." [Ref. 3:p. 15]

This was a major point of contention even within the US Department of State as evidenced by the difference in this point between the proposals of Acheson-Lilienthal and the Baruch Plan. Acheson argued this very same point and stated that the US should initially give up the atomic bomb. Truman disagreed and went with the Baruch Plan.

Perhaps the most contentious idea to the Soviets within the plan was the suggestion that the single member veto of the Security Council would be removed. The Soviet position was that "this would undermine the fundamental principles on which the United Nations Organization was founded and would enable the USA to dictate terms to other states." [Ref. 3:p. 15] Acheson was against this clause also, knowing that the Soviets would raise objections to it. Baruch defended this clause passionately in his speech to the United Nations:

"There must be no veto to protect those who violate their solemn agreements not to develop or use atomic energy for destructive purposes. The bomb does not wait upon debate. To delay may be to die. The time between violation and preventive action or punishment would be all too short for extended discussion as to the course to be followed." [Ref. 1:p. 12]

Due to the structure of the United Nations Security Council, veto power would have surely produced a stalemate between the United States and the Soviet Union on every issue concerning the atomic bomb. Had the United States given up the atomic bomb earlier in the process this point would have not have stirred such a passionate response from the Soviets.

The last objection voiced by Yrftremov was that "the international Authority - that is, the Americans - would be in a position to conduct military intelligence on the territory of other states." [Ref. 3:p. 16] Sovereignty was a major issue of contention and one that provided a multitude of legal and geopolitical ramifications in any attempted inspection on the soil of any sovereign state.

The end result of these objections was a counter-proposal by the Soviets which came to nothing and eventually, after two years, the Baruch Plan was defeated. A year later, the Soviets exploded their first atomic bomb. The inspection issue kept efforts toward international control of atomic weapons deadlocked until the Nuclear Test-Ban Treaty between the USSR, Great Britain, and the US was signed in 1963.

B. THE NEW ENVIRONMENT

The world has changed much since 1946 and the introduction of the Baruch Plan. The US no longer holds a monopoly on nuclear weapons and nuclear technologies. Other than the US, the following countries have nuclear weapons: Great Britain, France, China, India, Pakistan, Russia, Ukraine, Belarus, and Kazakhstan all have declared nuclear weapons. Israel is thought to have approximately 100 nuclear weapons, but its arsenal remains undeclared. South Africa has had nuclear weapons in the past but has stated that it no longer has nuclear weapons. New threats to proliferation seem to appear every year. North Korea is anxiously pursuing a nuclear weapons program. The changes in the political structure of world discourse has not just changed in the numbers of nuclear weapon states.

The Cold War has been declared over and with the failure of the communist experiment in the former Soviet Union, the widespread attempt at democratic reform in Eastern Europe, and the nearly worldwide acceptance of the Non-Proliferation Treaty (NPT), new opportunities are present to make significant progress in nuclear weapons arms control. The barriers which once existed in the Soviet Union for inspections are no longer present, and in fact the CIS has requested aid and assistance in the destruction of nuclear weapons in the Ukraine, Belarus and Kazakhstan. Through a variety of negotiations, the US and Russia have both sought to reduce their huge arsenals significantly. The US has not produced weapons-grade nuclear material for a number of years and does not have any plans to do so in the future. New

technologies are being developed to secure the world from inadvertent and unauthorized deliberate launches of Inter-Continental Ballistic Missiles (ICBMs) and theater nuclear weapons. Additionally, the United Nations is no longer viewed as a tool of American policy but as a viable mechanism of world discourse. The Security Council actions in Iraq have set a precedent for future enforcement of similar nature and raise questions as to whether there is such a thing as a true sovereign nation in this new political environment.

C. BREAKING DOWN SOVEREIGN BARRIERS

Though many of the criticisms of the Baruch Plan have been overtaken by events, some experts claim that there remains the barrier of national sovereignty which must be overcome in order to make any progress in future negotiations or nuclear arms. On the contrary, there is evidence that the concept of national sovereignty has been eroded through a variety of circumstances and occurrences. Former Secretary of State George P. Shultz credits the demise of the sovereign state to several factors. Specifically, "the financial markets are now interconnected worldwide due to modern systems of communications; people, ideas and criminals move across borders in great numbers; ballistic missiles reduce the relevance of borders; and free trade agreements and common markets render ideas of a state's self-contained economic system obsolete." [Ref. 4:p. 1]

Since its inception, the UN has been a place of discourse for world peace. Many might argue as to the success of the UN but few could

disagree that the stance against waging war, the increased interdependence of states, and the development of the notions of international protection of human rights and humanitarian law have been enhanced by the discourse by world politicians at the United Nations. All of these factors have further contributed to the demise of the sovereignty of the nation-state. [Ref. 5]

In addition, the political obligations that bind states to certain international norms are further eroding the notion of a sovereign state. For instance, NATO member countries are bound to protect against attack against any of the other member states. United Nations members are constrained in their latitude in dealings with other nations. They are also obligated to support the Security Council's decisions. In both cases, the member states have given up a portion of their sovereignty to receive benefits associated with membership in each organization. Other such examples include the EEC, GATT, the Central American Common Market (CACM), the North American Free Trade Agreement (NAFTA), and many others.

Other factors also contribute to the erosion of national sovereignty. Many private organizations have taken on international dimensions and serve to chip away at national boundaries. Oil, computer, power, transportation, and communication industries all have representatives in this category. In a not-so-obvious way, missionary work, art, entertainment (radio, television, and theater), fashion, and education all serve to break down sovereign boundaries.

In a larger sense, ostensibly military alliances can take on meaning beyond a purely military capacity. Trade agreements cross international

boundaries and weave a fine fabric that binds the world. Environmental summits brought together 178 nations for discourse in Rio in 1992. The entire world watches as the rain forest die, as oil tankers spill their black death on pristine coastlines, and as the northern forest lands slowly perish to acid rain. We come together to protest the depletion of the ozone layer and the caustic contamination from nuclear reactor accidents.

Environmental concerns are penetrating far beyond unseen national borders and sovereignty is further eroded because of them.

Nations continue to seek resources to fuel their economies far beyond their own borders. The CIS forfeits its mighty arsenal in exchange for cash. The once mighty Soviet military machine is being sold off a piece at a time in order to support Russia's failing economy. As other nations deplete either their own resources or those of another country, joint harvesting of global resources such as fisheries or oil serve to drop the barriers of national sovereignty.

Technology has also served to lessen the felt intrusion on sovereign territory. There exists current technology which allows instrumented aircraft to monitor gamma, neutron, and radiation-isotopes from processing facilities without ever violating a nations borders. Additionally, there are ways to tag warheads and other weapons of mass destruction so that small inspection teams can easily identify inventories. Through technology, verification of treaty agreements and weapon production has been vastly simplified. In addition, the IAEA is currently in over 900 facilities in 92 countries monitoring the control of fissile material.[Ref. 6:pp. 256-257] This monitoring is remarkably similar to parts of the early Baruch Plan. It is interesting to note that the issue of

inspections, though strongly opposed in the original version, gained dramatic world-wide acceptance during the Cold War.

III. THE AUTHORITY

Following the presentation of the Baruch Plan in January of 1946, much debate and discussion occurred in trying to describe the structure and authority of the UNAEC. In this context, the United States stated in an address to a subcommittee of the UNAEC the principles which were desirable in a treaty concerning the control of nuclear weapons. The principles put forth were few in number and simple in concept.

The first principle was "the preservation of international peace and security." [Ref. 1:p. 25] This principle is identical with the principle stated in the preamble of the United Nations Charter. The next principle was the "safeguarding of all peoples against the use of atomic weapons." [Ref. 1:p. 26] This noble undertaking has been successful to date but the current risk imposed by the increased risk of nuclear proliferation threatens this perfect record.

The principles continued with "the development and wide distribution of atomic energy and its by-products for purposes of raising the welfare and standard of life of the peoples of the world and of contributing to their science and culture." [Ref. 1:p. 26] In any future agreement, the improvement of the world society must be considered as a goal of the peaceful uses of nuclear energy. Finally, the principles presented on July 1946 concluded with "the realization of these ends through international co-operation, through an international agency for the development and

control of atomic energy and through a system of international enforcement [Ref. 1:p. 26]." The current world political situation indicates that there exists the possibility of international co-operation on the scale necessary to conclude such an agreement of international enforcement.

The original principles embodied in the UNAEC were not strong enough to ensure its success in nuclear disarmament. During its existence, discussions shifted from disarmament to arms control. It was the inability of the superpowers to agree on crucial issues that caused the UNAEC to dissolve amidst the explosion of the first Soviet atomic weapon in 1949. From that point on, discussions concerning atomic weapons would be centered around reductions vice the elimination of ever increasing arsenals.

The demise of the UNAEC did not end the efforts to check the growth of both the nuclear weapon states and the arsenals of the two superpowers. "In 1953, President Eisenhower suggested to the General Assembly that governments contribute fissionable materials to a new United Nations atomic energy agency [Ref. 6:p. 206]." This suggestion led directly to the first United Nations Conference on the Peaceful Uses of Atomic Energy in 1955. From this conference, the draft statute was developed for the International Atomic Energy Agency (IAEA). In 1957, the IAEA began operations out of its offices in Vienna. The IAEA focused on the encouragement of the safe and peaceful use of nuclear power rather than center its discussions on arms control issues. In this way, the IAEA was able to make gains in negotiations where previous attempts had failed.

Among the many positive accomplishments of the IAEA has been the "exceptional contributions to the cause of peace, and to facilitating broad access to a technology that, for all of its problems, continues to be regarded by many as a potentially important resource for global socio-economic development and energy security [Ref. 7:p. 21]." Despite its accomplishments, the IAEA continues to come under criticism. On one hand the IAEA has been criticized for "promoting a technology that in one view is fraught with problems of safety, waste management, and proliferation [Ref. 7:p. 21]." On the other hand are those who "claim it has not gone far enough in promoting nuclear power development [Ref. 7:p. 21]." At the center of the critical attention is the Agency's safeguards system. Before examining the weaknesses of the IAEA, it is only fitting that its roles and accomplishments be examined first.

A. A MULTIPLICITY OF ROLES

The IAEA serves as a medium for a multiplicity of roles:

"It provides a framework for interaction on nuclear issues and for elaboration and refinement of the international nuclear regime; it is a forum for discussion, exchange of views, and the formulation of initiatives relevant to peaceful nuclear uses; it is a vehicle for providing services relative to the utilization and control of peaceful nuclear development, including implementation of decisions taken outside the agency itself; and it is a symbol of the commitment to share broadly and responsibly the peaceful benefits of nuclear energy." [Ref. 7:p. 22]

Each of these roles has helped to elevate the IAEA to a position of greater importance in the nonproliferation arena.

By providing a framework outside the United Nations in which nations may come together and discuss nuclear-related issues, the IAEA has become an invaluable part of all nuclear discussions and is the basis on which the cooperative efforts are built. In addition to this structural support, the IAEA has also served to publish the results of policy decisions via their Information Circulars (INFCIRCs).

One of the interesting outcomes of the IAEA's involvement in discussions on nuclear power was the success in maintaining the communication flow between the US and the Soviet Union throughout the Cold War. In his critical assessment of the nonproliferation role of the IAEA, Lawrence Scheinman writes, "the agency's value as a forum is perhaps best illustrated by the fact that despite the ebb and flow of tension between the Soviet Union and the United States, the superpowers have substantially insulated the agency from these tensions [Ref. 7:p. 23]."

A measure of the high regard in which the IAEA is held may be seen in the implementation of its safeguards in the NPT of 1970. Additionally, the treaty of Tlatelolco, which establishes a regional nuclear-weapons-free zone in Latin America also subscribes to the safeguards of the IAEA. In both cases (and several others) the IAEA has acted as a supplier of technical assistance and provided the services necessary for the implementation of the safeguards portion of each treaty.

Two provisions of the statute for the IAEA which are yet to be utilized are Articles IX and XII. Article IX allows for members to make source and special fissionable materials available to the agency for storage in agency depots. Article XII states the agency has the right to require deposit of any excess special fissionable materials which it supplies beyond what is

required for peaceful research or reactor use. Ironically, President Eisenhower's suggestion for a depository for fissile materials which led to the foundation of the IAEA are the only articles which are not presently in use. It is in this area which the IAEA offers a tremendous possibility for future breakthroughs in nonproliferation negotiations.

The safeguards system cannot be mandated on any one nation. Instead, it is a system by which individual nations negotiate with the agency and then sign individual agreements. The success of the safeguards can then be measured in their general world wide acceptance. As mentioned earlier, they are implemented in over 90 countries. There are two sets of safeguards which apply to different states depending on whether that state is a signer to the NPT or not. The safeguards are numerous but can be precisely located in two publications from the IAEA: INFCIRC/66 AND INFCIRC/153. The first deals with non-NPT signers, the second with the signers to the NPT.

One of the safeguards in INFCIRC/153 deals with "the timely detection of diversion of significant quantities of nuclear material from peaceful activities [Ref. 7:p. 26]." In the aftermath of the Gulf War, it is this timely detection and diversion of nuclear material which critical attention has been focussed.

B. PROBLEMS FACING THE IAEA

There has been much written recently finding fault with the IAEA and the safeguards in its statute. Those who have found fault often point to several areas of weakness which the IAEA traditionally has had. The areas of concern according to Scheinman [Ref. 7] are politicization; credibility of safeguards; tensions between NPT and non-NPT members; and the balance between technical assistance and safeguards.

Two of these areas which Scheinman wrote about have been overcome by recent events. The first of these is the politicization of the IAEA. Scheinman's comments in this area were pointing out the dangers which the events surrounding South Africa were threatening to erode the authority of the IAEA. Since the writing (1985), South Africa has dismantled its nuclear arsenal and has subjected itself to IAEA safeguards. The second area which is not currently a concern but may become a problem in the future is the tension between NPT and non-NPT states. The more vocal non-NPT members at the time of Scheinman's writings were India, Argentina, Brazil and Pakistan. They were against the adoption of safeguards because they saw them as an extension of the NPT. The NPT has a committee which meets every five years to discuss important issues. The tensions described by Scheinman were vocalizations of one of these meeting years. The last meeting on the NPT is scheduled for 1995. At that time the treaty will be either ratified, extended or it will become no longer valid. Those discussions may affect the IAEA but will not threaten its existence.

A third issue which may be valid but does not threaten the IAEA is the North-South argument which revolves around the balance between technical assistance and safeguards. The "South" pushes for more technical assistance and less safeguards while the "North" pushes for less assistance and more safeguards. The polarization which is taking place within the IAEA along these lines does not threaten the existence of the IAEA but may complicate its future actions.

The last issue which Scheinman addressed is a real threat to the agency and has called major political repercussions in the past. This issue, the credibility of the safeguards systems is at the heart of all nuclear discourse.

In Working Paper No. 61 for The Strategic and Defence Studies Centre, T.B. Miller describes two weaknesses with the safeguards. The first is that there is nothing enforceable about them and states are able to remain outside the reach of the safeguards. The second is that states are working to obtain nuclear weapons even though they are signers to the non-proliferation regime which is thought to include the NPT, the IAEA and the Treaty of Tlatelolco. Perhaps even more grievous is the fact that other NPT states have assisted these states in either overt or covert manners. [Ref. 8:pp. 8-9] These weaknesses have caused some explosive moments in the past.

It could be argued that the Indian nuclear weapon test of 1974 and the dealings which led to the obtaining of the technology and the fissionable material for it was the first major blow to the safeguards system. Though no safeguards were documented as being violated, it was clear that the

safeguards were not enough to prevent desiring nations from obtaining nuclear weapons.

The single biggest blow to the safeguards system was the Israeli attack on Iraq's nearly completed Osirak reactor. As Scheinman describes:

Israel justified its action in part by casting doubt upon the reliability of IAEA safeguards. This action impugned the technical effectiveness of IAEA safeguards activities and the value of their findings. It also implicitly questioned the likelihood and effectiveness of any international response, should the IAEA, in the course of carrying out safeguards, detect a diversion of nuclear material. The doubts raised about IAEA safeguards were widely shared. For example, the attitude of many members of Congress, who took part in hearings on the attack, gave so much support to Israel's argument that an independent observer would have thought the agency was at fault for the attack. [Ref. 7:p. 29]

The repercussions of this act continue into the present headlines. Miller's [Ref. 8] analysis of the post-Israeli raid indicated that it "would seem most likely that Iraq under its present leadership having developed a nuclear program presumably to obtain weapons for use against either Israel or Iran or both, will now abandon the whole operation [Ref. 8:p. 11]." A decade later, Iraq's nuclear program is found to contain 20,000 employees after UN inspectors complete their probe into Iraq's nuclear program according to a post Gulf War analysis [Ref. 9:p. 22].

It was the failure of the IAEA to determine through its safeguards system the extent of the Iraqi nuclear weapons program. They were not alone in the underestimation however. The United States intelligence community, according to the same post Gulf War analysis noted above, indicated that at the start of the war there were thought to be two nuclear targets of interest. This list grew to over 20 as the war progressed [Ref. 9:p. 22]. After the war, the stall tactics employed by the Iraqis to throw

off the UN inspectors and to allow time for the removal of incriminating evidence of their nuclear program continually made headline news. The inability of the UN to operate within the Iraqi borders as it desired raised serious doubt as to the enforcement capabilities of the UN in matters concerning nuclear weapons. Jeffrey Laurenti notes in his January 1992 essay that "the IAEA's current effort to recast itself as a tough and fearless inspector, if successful, might ease the old doubts about arms monitoring and verification by international agencies." [Ref. 10:p. 12] In this case, only time will reveal if this holds true.

A final example of the problems faced by the IAEA in trying to implement the safeguards system is the long standing non-participation by North Korea with respect to inspections. North Korea has been a signer to the NPT but has not allowed UN inspectors to examine its nuclear plants. The fear that North Korea was pursuing its own nuclear weapons program seems realized in the news that it has officially pulled out of the NPT. This blow to the NPT on the eve of discussions concerning its renewal may set off a series of similar cases as countries in the area begin to perceive a security threat. It is thought that so long as the United States maintains a presence in the area, other states will not pursue their own programs. Should the US be forced to lessen its presence in this area either by fiscal restraint or by change in policy, regional area actors may indeed acquire their own weapons in response to North Korea. This will be an area of concern for many years.

In the area of NPT members assisting other nations in developing a nuclear capability outside of the constraints imposed by the safeguards of the IAEA, the most dangerous violation may well be the assistance the US

lent to Israel. Though Israel continues to avoid answering to the nuclear weapon states roll call, it is accepted in international circles that it possesses a nuclear capability. This capability resulted from the direct assistance of the US. Miller reports "that there was a CIA consensus that it was 'most likely' that 100 kg of highly enriched uranium had been diverted in the 1960s from an American fuel fabrication plant in Pennsylvania to Israel and had been used by the Israelis in fabricating weapons." [Ref. 8:p. 15]

Additional transfers of technology to countries such as South Africa, Pakistan, Iraq and South Korea have also been reported. The aftermath of the Gulf War implicated the US in technology and arms transfers to Iraq. Other offending countries are thought to be China, the former Soviet Union, and France. Upgraded safeguards are certainly called for to stop the flow of technologies to non-NPT countries. A data bank monitoring critical technologies and their transfers should be implemented immediately. The signers of the NPT should also be required to lend assistance in the tracking of these technologies.

A final criticism of the IAEA is that it has no enforcing capability. As noted above, the UN is under attack for the same fault. The IAEA does not have provisions to enforce its safeguards. In this regard, the IAEA must look to the United Nations for the military support required in enforcement. The next chapter will examine this issue.

IV. THE UNITED NATIONS

With the end of the Cold War, the United Nations has been called upon to assume a more active role in resolving regional conflicts. The United Nations has been involved in over a dozen military operations in the last four years, more than in the previous four decades. Today's operations are becoming vaster in both scope and complexity and the technological boost to modern warfare realized with each new generation of weapon further complicates the peacekeeping mission for the United Nations. [Ref. 11:p. 1] In fact, the newest mission which the United Nations is trying to define is peace-enforcing. As the UN positions itself to take on more responsibility in international conflict, new and expanded roles are continually suggested in which the UN might serve in a more expanded fashion. One of these roles, in which the concept of international control of nuclear weapons seems to play a part, is "collective security."

"At the United Nations Security Council's unprecedented summit-level meeting in January 1992, convened to recommit the world community to 'collective security,' the heads of member governments called on the Secretary-General to develop proposals for new initiatives in the UN's traditional areas of peacekeeping and conflict resolution." [Ref. 10:p. 1] A major topic of conversation at this summit was the proliferation of weapon systems throughout the world. Not only were high tech

conventional weapons discussed but so were nuclear weapons and other weapons of mass destruction. The concern for weapons proliferation clearly undermines regional initiatives in collective security. The United Nations is in a position to ease tensions in a variety of regions should it take on the role of fostering collective security agreements.

In the most fundamental sense, nations pursue weapons because of perceived security threats across their borders or because they seek to strengthen their position in an effort to achieve their national interest with respect to other nations. In an essay detailing discussions of a roundtable concerning collective security, Jeffrey Laurenti states "the establishment of reliable guarantees that the international community will come promptly to the defense of a threatened state can allow countries to reduce their national arsenals." [Ref. 10:p. 11] Laurenti notes "coordinated pressures by the international community may alter the calculations by national leaders about how aggressively they should pursue their national ambitions." [Ref. 10:p. 11] In this two-fold effort, the UN., through collective security agreements, would lessen the desire for nations to acquire weapons. This decreased desire for weapons would also serve to limit the need for collective security agreements due to a diminished perception of risk between nations.

The aftermath of the Gulf War has brought forth much public disclosure on arms transfers to Iraq and has heightened the awareness of the international arms trade. With the collapse of the Soviet Union and the subsequent flooding of the arms market, the push for an international arms registry has gained momentum. Such a registry would in effect, serve to monitor the supply side of the arms trade, while the efforts in

collective security would work to lessen the perceived need on the demand side.

The NPT is a model of an arms agreement by which all future agreements will be measured. The current negotiations concerning chemical weapons may soon produce an agreement. Should this occur, a chemical weapons ban will join the NPT as a tremendous contribution to world security. As the international community presses for a swift and universal ratification, the weaknesses of the NPT will be stressed in open discourse at the United Nations. Of particular note is the failure of North Korea to comply with its acceptance of the inspection safeguards imposed by the IAEA up until it withdrew from the agreement this year.

Additional criticisms stem from the apparent "failures of the International Atomic Energy Agency (IAEA) in its prewar nuclear inspections in Iraq." [Ref. 10:p. 12] Given these failures, future negotiations must include discussion of a system of inspections and verification. Laurenti points out that in this manner, the chemical weapons ban will certainly be judged in relation "to the credibility of its verification system - i.e., to what its guarantees about the compliance of member states are worth - and also to the universality of adherence." [Ref. 10:p.12]

While the end of the Cold War directly contributed to the availability of weapons for proliferation, increased instability especially in Eastern Europe, and a rise of UN. participation in conflicts around the world, it also opened the door for dramatic advances in downsizing the arsenals of the world. In fact, "with the end of superpower confrontation, the justification for any state to continue to hold nuclear weapons - codified in the 1968 nonproliferation treaty's discrimination between nuclear and

non-nuclear weapons states - seems to many to be increasingly indefensible and a threat to the legitimacy and even the continuation of the entire nonproliferation regime." [Ref. 10:p. 13] This is an area the United Nations may be well suited for. Though the Security Council is comprised of nuclear weapon states, the General Assembly is likely in the near future to address the legitimacy of nuclear weapons. It is unlikely that the Security Council will broach this subject. This is why it will be essential that the debate be carried out on the floor of the General Assembly. With passage of a chemical weapons ban and the approach of the new ratification date for the NPT, Laurenti states "there will likely be strong pressures in coming years on the nuclear powers to eliminate such weapons from their arsenals as part of a package for a more airtight nonproliferation regime." [Ref. 10:p. 13] This pressure is already building. Laurenti continues with "indeed, some - even in the nuclear defense establishment - see a need, and an opportunity, to revise and revive the 1946 Baruch plan for placing all nuclear materials under UN control." [Ref. 10:p. 13]

Before such dramatic changes have the possibility to become realities, several changes within the UN must take place. As mentioned above, collective security agreements must be extended to all states. Additionally, a system of inspections and verifications must also be in place. The weapons registers of the world must truly become transparent. The IAEA must continue its bid to tighten controls of fissile material and hence must continue to upgrade its intelligence capabilities in this area. Once this is accomplished, the UN must be given the ability to ensure compliance with all arms and collective security agreements. In this

respect, the forces attached to the UN must be examined as to their capabilities to perform this enforcement aspect.

The original Baruch Plan called for an organization which had the power to enforce the provisions of the treaty with "immediate, swift and sure punishment." [Ref. 2:p. 97] The United Nations does not currently possess the ability to respond as quickly as might be necessary for violators of a treaty granting international control of nuclear weapons. In fact, this inability stands in the way of making progress towards this lofty goal. In attempting to create a force capable of such enforcement, the United Nations has two options it can pursue. The first is the establishment of a standing force under Article 42 and 43 of the Charter for the United Nations. The second is to upgrade the military support from member nations to create a ready force capable of rapid deployment under United Nations command.

Secretary-General Boutros Boutros-Ghali, in his "An Agenda for Peace" speech of 31 January 1992, [Ref. 12] addressed the need to boost the military capability of the United Nations:

Under Article 42 of the Charter, the Security Council has the authority to take military action to maintain or restore international peace and security. While such action should only be taken when all peaceful means have failed, the option of taking it is essential to the credibility of the United Nations as a guarantor of international security. This will require bringing into being, through negotiations, the special agreements foreseen in Article 43 of the Charter, whereby Member States undertake to make armed forces, assistance and facilities available to the Security Council for the purposes stated in Article 42, not only on an ad hoc basis but on a permanent basis. Under the political circumstances that now exist for the first time since the Charter was adopted, the long-standing obstacles to the conclusion of such special agreements should no longer prevail. The ready availability of armed forces on call could serve, in itself, as a means of deterring

breaches of the peace since a potential aggressor would know that the Council had at its disposal a means of response. [Ref. 12:p. 25]

It is clear that Boutros-Ghali has envisioned a much stronger United Nations force in the future. It also appears he desires a force which has the capability of a rapid deployment to trouble spots. From the above quote, it also appears that he desires this force to be a standing force on a permanent basis. Boutros-Ghali also suggested that these forces be "under the command of the Secretary-General." [Ref. 12:p. 26] This comment has sparked some controversy. Former UN Ambassador Jeane Kirkpatrick quite pointedly stated "Secretary-Generals have very different qualifications and jobs. They do not have armies, define military missions and map military strategies. They are not commanders in chief." [Ref. 13]

The post-Gulf War example further emphasizes the current inability of the United Nations to conduct operations in an enforcement capacity. Other examples of command and control problems from a UN point of view include Somalia and Bosnia. In two instances involving these UN peace-keeping efforts, major disputes have erupted between the field and UN Headquarters. In the case of Somalia, the UN special representative to Somalia resigned as a result of a dispute with the UN Headquarters [Ref. 14:p. 17]. Major-General Lewis Mackenzie, the former head of UN forces in Sarajevo, was quoted as saying: "Do not get into trouble as a commander in the field after 5 p.m. New York time, or Saturday or Sunday. There is no one to answer the phone." [Ref. 14:pp. 17-18]

Command and Control capabilities are not the only lacking element of a command structure plaguing the UN. It has no intelligence capability, which severely limits the ability to command UN forces. The intelligence

blunders concerning the Iraq nuclear weapons program serve as outstanding examples of the deficiency in this area even for the highly capable US intelligence community. On 16 January 1991, the target list for coalition air strikes contained two nuclear targets. "Inspectors under the UN Special Commission would eventually uncover more than twenty sites involved in the Iraqi nuclear-weapons program of which sixteen were described as main facilities.[Ref. 9:p. 22]." Additionally, "it was determined after the war that the Iraqi nuclear program had employed over 20,000 people and was for most practical purposes fiscally unconstrained, closer to fielding a nuclear weapon, and less vulnerable to destruction by precision bombing than Coalition air commanders and planners realized [Ref. 9:p. 22]."

Though the UN is currently not capable of directing military forces, an upgrade program could be designed should a standing force come into being. The military force structure of the United States Marines might serve as a model for a rapid deployment force with heavy capabilities. The US joint intelligence center could provide the equipment and information paths necessary to feed such a force. The model which is adopted is not as important as the universality of the force. It would be necessary to begin training all forces under a common chain of command and under standard operational procedures. A recent attempt to capture a Somalia warlord went astray when US special forces landed in a compound occupied by UN observers. This absurd display further accentuates the need for better command and control. This can only be obtained through a joint, international chain of command in which all forces attached to the UN receive their orders.

The United Nations has made remarkable progress in the past in the area of Arms Control. There are 13 agreements in which the UN has fostered which have served either to limit certain types of weapon systems or exclude weapon systems from a particular region [Ref. 15]. Some of the more notable regional treaties include the Antarctic Treaty, and the previously mentioned Treaties of Tlatelolco and of Rarotonga, and the Sea-Bed and Outer Space Treaties. Already mentioned is the Nonproliferation Treaty. The Biological Weapons Convention and the Partial test ban treaty provide further guidance for future agreements. This strong base resulting from past negotiations provides the foundation on which the UN can and must build. The general acceptance of the UN as a forum for discourse on arms negotiations cannot be overlooked. It must also be acted on with a larger goal in mind. A revised and revived Baruch Plan aimed at the elimination of nuclear weapons from the world arsenals would be such a goal.

In summary, the United Nations is the only organization which is capable of moving forward the lofty goals of the Baruch Plan, i.e., the elimination of nuclear weapons. Before such plans can be carried out, the UN must become a fully competent actor in the collective security arena. To do so changes must be made in the command and control structure, the intelligence gathering capabilities, the inspection and verification reliability, and the enforcement capabilities. The changes discussed above will be costly and not without debate but are necessary if the world is to maximize the current political environment and opportunities which it presents.

V. CONCLUSIONS

The political environment has changed dramatically within the past five years. The failure of the communist experiment, the rapid spread of democracy in Eastern Europe, and the reunification of Germany have brought forth a new generation of hope in nuclear arms control. George Kennan, former ambassador to the Soviet Union and past head of the State Department's first Policy Planning Staff, calls for a new paradigm in which strategic thought must not include the use of nuclear weapons:

Our objective for the coming period ought obviously to be: first, the halting of the proliferation of nuclear weaponry; second, reduction of both Soviet(Russian) and American arsenals to the minimum necessary to balance the greatest of the other arsenals; then have pressure for the further reductions of all these arsenals, with a view to the ultimate total elimination of this form of weaponry worldwide. Only when all that has occurred will we, and the rest of the world, be able to design defense policies directed to the realities of a post nuclear world. [Ref. 16.pp. 215-216]

It is with this concern that the Baruch plan is revisited.

In 1946, Bernard Baruch presented his renowned plan for the establishment of international control of nuclear weapons. In the intervening half-century, dramatic changes have taken place in the world political environment which force strategic planners to once again consider the merits of this suggestion. This paper began in describing the Baruch Plan in its original context. The major issues it presented were the

international control of nuclear weapons, the exchange of information concerning the peaceful use of atomic power, and the establishment of safeguards by way of inspection and verification to ensure compliance. It further suggested that the agency be given the authority to enforce the non-compliance of the statutes.

The original plan met with much criticism and died a slow death. However, many of the concepts put forth were incorporated into the United Nations Atomic Energy Commission in the form of safeguards for the control and handling of fissile materials. The Commission went through many changes, eventually becoming the International Atomic Energy Agency. In its brief history, the IAEA has been credited with most of the success in actual arms control talks. Its structure and open forum on nuclear power, though centered on the peaceful application of atomic power, has allowed for major negotiations and agreements on nonproliferation issues. However, the IAEA has also suffered major setbacks in the credibility of its safeguards systems to the point of open hostilities. The Gulf War clearly illustrates a need for stricter safeguards and tighter control of critical technologies. The IAEA will continue to serve a multiplicity of roles in future nonproliferation discussions.

The United Nations, like the IAEA, will be the medium in which world discourse on nuclear weapons takes place. Its roles are expanding into areas of peacekeeping, peace-enforcement, peace-making, and collective security. It is in these areas that the United Nations will serve its greatest task in nonproliferation. In order to ensure collective security agreements, the United Nations must improve its command and control, intelligence and force structure. It must develop a rapid deployment

force capable of containing regional conflicts. Once this force is established, the world will be able to make further positive gains towards a nuclear free world.

In his initial presentation, Bernard Baruch urged the audience to consider the merits of the plan. Many scholars and strategic planners are looking to a revised and revived Baruch Plan as the solution to gaining the goal of international control of nuclear weapons. As late as June 1993, a plan was being considered to place the nuclear weapons of the Ukraine under international control until they could be disposed of. The current environment holds great promise for progress but it also holds great danger for failure. The end of the Cold War has also meant an end to the control which the two superpowers had on the proliferation of nuclear weapons. This is of primary concern in all world discourse. The urgency for moving forward with such a plan is two fold. The opportunity is present amidst world wide democratic reforms to implement the changes necessary to initiate international control of nuclear weapons. However, the dangers of nuclear proliferation are increased by the struggles in Eastern Europe and the Former Soviet Union.

The words of Baruch are as relevant today as they were 47 years ago:

We are here to make a choice between the quick and the dead. That is our business. If we fail, then we have damned every man to be the slave of Fear. Let us not deceive ourselves: We must elect World Peace. In our success lies the promise of a new life, freed from the heart-stopping fears that now beset the world. Now we approach fulfillment of the aspirations of mankind. At the end of the road lies the fairer, better, surer life we crave and mean to have. [Ref. 1:p. 8]

A revised and revived Baruch Plan would give future generations a chance to live a life void of the fears associated with nuclear weapons.

The IAEA and the United Nations are capable of implementing and enforcing such a plan once some basic changes are in place.

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