

**THE DOCTRINE OF NUCLEAR DETERRENCE:
A LINGERING CONSTRAINT ON NUCLEAR WEAPONS LAW**

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ABSTRACT

The world had been plagued by armed conflicts for many centuries preceding the development of nuclear weapons. Nuclear Deterrence theorists maintain that the world has enjoyed greater peace since World War II because of the existence of nuclear weapons, constituting a deterrent factor to war. If this theory is tenable, then the security of the world is invariably safeguarded by the presence of nuclear weapons and a move to completely eliminate them will inevitably reverse the progress made towards safeguarding the world. While nuclear weapons' advocates argue that the security of the world is safeguarded by the possession of nuclear weapons by states, anti-nuclear weapons' advocates argue that the security of the world is endangered by the continued existence and proliferation of nuclear weapons. They argue, also, that the probability of the elimination of nuclear weapons would increase if the nuclear deterrence doctrine is invalidated. The ultimate inquiry, therefore, would be whether the elimination of nuclear weapons would be detrimental or beneficial to the preservation of world peace and security. To determine the question, it is imperative to examine the accuracy of the nuclear deterrence theory because it plays a fundamental role in the preservation of nuclear weapons in the military arsenals and defense policies of states. If nuclear weapons actually play a positive role towards the maintenance of world peace and security, that singular fact negates the importance of the legal framework for their elimination.

Introduction

There is a universal consensus that the detonation of nuclear weapons would result in catastrophic consequences for mankind, causing quantum deaths and destruction of properties.¹ It would also cause severe and long-lasting damage to

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¹ The destructive potential of the nuclear weapon has actually been tested once, in 1945 during the Second World War, when the United States of America dropped two atomic bombs on the Japanese cities of Hiroshima and Nagasaki in an attempt to make Japan surrender. By the executive order of President Harry Truman, U.S.A dropped the nuclear weapon 'Little Boy' on the city of Hiroshima on Monday August 6, 1945 followed by the detonation of 'Fat Man' over

the natural environment. A major nuclear war could bring about the state of *Armageddon*² predicted by some nuclear analysts. These were the considerations that prompted the international community to develop a legal framework for the control of nuclear weapons proliferation and eventual nuclear weapons elimination.³ On the other hand, the relevance of maintaining nuclear weapons by certain states of the international community has been projected by proponents of the nuclear deterrence doctrine, arguing that the presence of nuclear weapons is responsible for the relative peace from the absence of major wars that the world has enjoyed since 1945 when nuclear weapons emerged.

This paper examines the nuclear deterrence doctrine, while adopting a scientific approach to the question of its viability. This is with a view to verifying the relevance or otherwise, of the international legal framework for the elimination of nuclear weapons.

Nagasaki on August 9. These are the only attacks with nuclear weapons in the history of warfare. Within the first to four months of the bombings, the acute effects killed 90,000 – 166,000 people in Hiroshima and 60 – 80,000 people in Nagasaki, with roughly half of the deaths in each city occurring on the first day. The Hiroshima Prefectural Health Department estimates that of the people who died on the day of the explosion, 60% died from flash or flame burns, radiation sickness and other injuries, compounded by illness. A plausible estimate of the total immediate and short-term cause of death, 15 - 20% died from radiation sickness, 20 – 30% from flash burns and 50 – 60% from other injuries, compounded by illness. Since then more have died from leukemia and solid cancers attributed to exposure to radiation released by the bombs. In both cities, most of the dead were civilians. Source: The Spirit of Hiroshima: An Introduction to the Atomic Bomb Tragedy. Hiroshima Peace Memorial Museum (1999) Mikiso Hane (2001). Modern Japan: A Historical Survey. West View Press. ISBN 0-8133-3756-9. Hakim, Joy (1995) A History of US: War, Peace and all that jazz. New York: oxford University Press. ISBN 0-19-509514-6. Rezelman, David; F.G Gosling and Terrence R.Fehner (2000) "The Atomic bombing of Hiroshima." The Manhattan Project: An Interactive History. U.S. Department of Energy <http://www.cfo.doe.gov/Me70/Manhattan/hiroshima> (Accessed on 14/04/2010). Adams, S. & Crawford, A. 2000. World War II. First Edition. Printed in Association with the Imperial War Museum. Eyewitness Books Series, New York, Doring Kindersley Limited.

² A dramatic and catastrophic conflict, especially one seen likely to destroy the world or human race: "nuclear *Armageddon*." Source: Oxford Dictionaries. www.oxforddictionaries.com/definition/english/Armageddon (Accessed on 02/03/2014)

³ Starting with the promulgation of the Nuclear Non-Proliferation Treaty of 1968, which came into force in 1970

CLARIFICATION OF KEY TERMS

Nuclear Weapon

A Nuclear Weapon is an explosive device that converts matter into energy.⁴ There are two types of nuclear weapons, atomic bombs and hydrogen bombs. Atomic weapons are detonated by splitting atoms of plutonium or highly enriched uranium, which releases an enormous amount of energy. A hydrogen bomb, also referred to as a 'thermonuclear' or 'fusion' device, uses an atomic explosion to merge two hydrogen atoms into helium. Hydrogen bombs are more powerful than atomic bombs. Both have the ability to inflict massive and instantaneous death and destruction, as well as illness and devastation of the environment.⁵

Nuclear Proliferation

Nuclear proliferation is a term used to describe the spread of nuclear weapons and weapons-applicable nuclear technology and information to nations which are not recognized as "Nuclear Weapon States"⁶ by the Treaty on the Nonproliferation of Nuclear Weapons, also known as the Nuclear Non-Proliferation Treaty, 1968.⁷

Nuclear Non-Proliferation

Nuclear Non-Proliferation is the effort to eliminate the spread of nuclear weapons technology. It is the action or practice of curbing or controlling an excessive, rapid spread of nuclear weapons.⁸ It also pertains to diplomatic agreements limiting the spread of nuclear weapons.⁹ The concept is embedded in the 1968 Treaty on the Non-Proliferation of Nuclear Weapons whereby nuclear weapon state parties undertake not to transfer nuclear weapons, other nuclear explosive devices or control over them to any recipient, or to assist any non-nuclear weapon state to manufacture or acquire nuclear weapons or other nuclear explosive

devices.¹⁰ On their part, non-nuclear weapon state parties also undertake not to receive the transfer of nuclear weapons, other nuclear explosive devices or control over same from anyone.¹¹ They also undertake not to manufacture or acquire nuclear weapons or other nuclear explosive devices.¹²

Nuclear Disarmament

Nuclear disarmament refers to the gradual reduction and eventual elimination of nuclear weapons in the world.¹³ The Nuclear Non-Proliferation Treaty of 1968 makes provision for nuclear disarmament whereby state parties "undertake to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament."¹⁴

Nuclear Weapon States and Non-Nuclear Weapon States

Nuclear weapon states are state parties to the Nuclear Non-Proliferation Treaty, who developed their nuclear weapons before 1968 when the treaty came into being. They are officially recognized as possessing nuclear weapons by the treaty. They are five in number, U.S.A, Russia, Britain, China and France.¹⁵ However, three states of the international community that never signed the treaty developed nuclear weapons after 1968 and are, accordingly, Non-NPT nuclear weapons possessors. They are India, Pakistan and Israel.¹⁶ North Korea withdrew from the treaty in 2003 and thereafter tested its nuclear devices. All other states of the international community are non-nuclear weapon states.¹⁷

⁴What is a Nuclear Weapon? www.domlife.org/Justice/Disarmament/nucleareduc.03.pdf. Accessed on 15/03/2014. A publication of Nuclear Reduction/Disarmament Initiative.

⁵ Ibid.

⁶ The Nuclear Weapon States recognized by the Treaty are U.S.A, Russia, Britain, France and China.

⁷ USLEGAL.com. Available at definitions.uslegal.com/n/nuclear-proliferation%20/ (Accessed on 04/02/2014)

⁸ Dictionary.com. Available at dictionary.reference.com/browse/nonproliferation (Accessed on 04/02/2014)

⁹ Ibid

¹⁰ Article I, Nuclear Non-Proliferation Treaty, 1968

¹¹ Article II, Nuclear Non-Proliferation Treaty, 1968

¹² Ibid.

¹³ The Collins English Dictionary, available online at www.collinsdictionary.com/dictionary/english/nuclear-disarmament. (Accessed on 04/02/2014)

¹⁴ Article V, Nuclear Non-Proliferation Treaty, 1968

¹⁵ Arms Control Association "Nuclear Weapons: Who Has What at a Glance." www.armscontrol.org/factsheets/Nuclearweaponswhohaswhat (Updated June 23, 2014)

¹⁶ Ibid.

¹⁷ Ibid.

Nuclear Deterrence

Nuclear deterrence is the threat of nuclear retaliation for a proscribed behavior, generally an attack upon the threatening state.¹⁸ It is the military doctrine that an enemy will be deterred from using nuclear weapons as long as he can be destroyed as a consequence.¹⁹ The doctrine of nuclear deterrence is hinged on the theory of 'mutually assured destruction' which supposes that countries possessing nuclear weapons, the world superpowers and their allies, will refrain from engaging in both conventional and nuclear warfare because of the potential detonation of the destructive nuclear weapons, which will result in destroying all the parties involved. The fear of self destruction from the use of nuclear weapons will, therefore, deter states from going to war, consequently safeguarding the security of the world.²⁰

Popular literature on the subject shows two kinds of deterrence. One refers to deterrence from the use of nuclear weapons between nuclear armed states. The other refers to deterrence from engaging in conventional warfare by both nuclear armed and non-nuclear armed states because of the fear of possible use of nuclear weapons in the process. The first kind of deterrence theory evolved from the 1940s simultaneously with the development of nuclear weapons. The dynamics of the relationship between the United States of America and the former Soviet Union during the Cold War²¹ developed the first notion of nuclear deterrence.

¹⁸ Krieger, D. *Ten Serious Flaws in Nuclear Deterrence Theory*. Nuclear Age Peace Foundation (Feb. 07, 2011) Available at www.waginpeace.org/articles/db_article.php?article_id=206 (Accessed on 15/11/2013)

¹⁹ www.audioenglish.net/dictionary/nuclear_deterrence.htm (Accessed on 15/11/2013)

²⁰ See Waltz, K. 'The Spread of Nuclear Weapons, More May Better.' *Adelphia Papers*. No 171. London: International Institute for Strategic Studies. (1981). p.1

²¹ The Cold War refers to the non-military tensions that existed between the Eastern bloc, represented by the United Soviet Socialist Republics (USSR) and allies, on one hand and the Western bloc, represented by the United States of America and its allies, on the other. The tensions were created by the ideological differences between the two blocs. The Soviet Union nurtured a Communist ideology and operated a communist government. The U.S.A nurtured the ideology of liberal democracy, the values of a free society and a free market, 'Capitalism.' The Cold War ended in 1991 with the collapse of communism in the Former Soviet Union (Russia). Source: *Cold War: The Start of the Atomic Age*. Encyclopedia of Espionage, Intelligence and Security. www.faqs.org/espionage/co-cop/cold-war-1945-1950-the-start-of-the-atomic-age.html (Accessed on 27/01/2013)

Keith Payne²² aptly explained the nuclear deterrence doctrine between U.S.A and the Soviet Union thus:

Over the course of the Cold War, the majority of American strategic thinkers gravitated to the notion that mutual deterrence, built around survivable retaliatory capabilities on both sides, made strategic relations between the United States and the Soviet Union predictably "stable." Both countries, the thinking went, would be deterred from highly provocative behavior by a mutual fear of escalation to a general war in which the level of nuclear destruction to the civilian infrastructure and population would far exceed any possible gain for either side. Consequently, each would avoid provoking the other in the extreme.²³

Overview of Nuclear Weapons Law

The international legal framework for the elimination of nuclear weapons is composed primarily of multilateral treaties of which the Nuclear Non-Proliferation Treaty of 1968 is the most significant component, customary norms that regulate weapons which cause superfluous injuries, judicial opinions, declarations and resolutions of international bodies, particularly the United Nations Organization and the International Committee of the Red Cross. The Nuclear Non-Proliferation Treaty of 1968 came into force in 1970. Its primary objectives are to prevent the proliferation of nuclear weapons and to achieve cessation of the nuclear arms race and eventual nuclear weapons elimination.²⁴ After four decades of the treaty's operation, however, it has not succeeded in abolishing nuclear weapons from the face of the earth.

The Case for Nuclear Deterrence

Making a case for the sustenance and spread of nuclear weapons, **Kenneth Waltz** argues that the world has enjoyed more years of peace since World War II for two reasons. One reason is the shift from multipolarity to bipolarity and the other is the introduction of nuclear weapons.²⁵ Defining peace as the absence of general war among the major states of the world, Waltz asserts that the introduction of

²² President of the National Institute for Public Policy and Chair of Missouri State University's Department of Defense and Strategic Studies.

²³ Payne, K. 'Nuclear Deterrence for a New Century.' *The Journal of International Security Affairs* (2006) No 10, p.1

²⁴ See Articles I - VI of the Treaty. Available at <http://www.un.org/en/conf/npt/2005/npttreaty.html> (Accessed on 13/03/2014)

²⁵ Waltz, K. 'The Spread of Nuclear Weapons: More May Better.' Op.cit. p.1

nuclear weapons has had a significant effect in maintaining general peace in the world. His thesis is that nuclear weapons have been the second force working for peace in the post-war world because they make the cost of war frighteningly high and thus discourage states from starting any wars that might lead to the use of such weapons. Nuclear weapons have helped to maintain peace between the great powers and have not led their other possessors into military adventures.²⁶

With unusual confidence he maintains that nuclear weapons will be used only for the purpose of deterrence, which goes to say that they would never be actually used to cause the state of *Armageddon* feared by all. Their mere existence in the possession of states would deter other states from embarking on offensive or coercive actions because of the fear that the possessing states would be pushed to nuclear warfare in self-defence. He explains that according to the deterrence ideal, one should expect war to become less likely when weaponry is such as to make conquest more difficult, to discourage pre-emptive and preventive war and to make coercive threats less credible.²⁷

This expanded version of nuclear deterrence views nuclear deterrence from a wider perspective and beyond the narrow defense policies of the U.S.A and the Former Soviet Union. It is a doctrine poised to ensure a balanced deterrence in the whole world among all nations. The assumption is that in a conflict between a nation with a nuclear capability and one without, the conflict may become nuclear²⁸ while in a conflict between two nuclear powers, the conflict is unlikely to become nuclear by reason of fear of retaliation. Then, as the number of nations with nuclear weapons increases, the chance of bilateral conflict becoming nuclear initially increases and then decreases to zero when all nations are nuclearly armed.²⁹ As additional nations acquire nuclear weapons, there is even greater uncertainty over the reaction of other nuclear powers to the initiation of a nuclear war, rather reinforcing general deterrence and enhancing stability against war outbreak. The probability of a deliberate initiation of a war decreases as the acquisition of nuclear weapons restrains the existing nuclear nations.³⁰ Hence

²⁶ Ibid.

²⁷ Ibid

²⁸ An example in history is the United States nuclear attack against the Japanese cities of Hiroshima and Nagasaki in 1945.

²⁹ Mesquita, B. and Riker, W.H., 'An Assessment of the Merits of Selective Nuclear Proliferation,' *The Journal of Conflict Resolution*, Vol. 26, No 2 (Conflict and International Security) (Jun 1982) p. 283

³⁰ Intrilligator, M.D. and Brito, D., 'Nuclear Proliferation and the Probability of Nuclear War,' *Public Choice*, Vol. 37, No 2. (1981) p. 249

nuclear analysts like Kenneth Waltz advocate that the more nuclear weapons in the possession of more states, the better for world peace and security.³¹ The case for the expanded version of the nuclear deterrence doctrine was strongly projected by Pakistani's prominent nuclear scientist, A.Q Khan, in these words:

The question of how many weapons are required for credible deterrence against India is purely academic. India doesn't need more than five weapons to hurt us badly and we wouldn't need more than 10 to return the favor. That is why there has been no war between us for the past 40 years. Don't overlook the fact that no nuclear-capable country has been subjected to aggression or occupied, or had its borders redrawn. Had Iraq and Libya been nuclear powers, they wouldn't have been destroyed in the way we have seen recently. If we had had nuclear capability before 1971, we would not have lost half of our country —present-day Bangladesh— after disgraceful defeat. India and Pakistan understand the old principle that ensured peace in the Cold War: mutually assured destruction. The two can't afford a nuclear war, and despite our saber rattling, there is no chance of a nuclear war that would send us both back to the Stone Age.³²

The foregoing illustration of nuclear deterrence suggests that the security of a state is strengthened and fortified against attack from other states when it has nuclear weapons. It is hinged essentially on self-preservation and does not put into consideration the larger issue of global peace and security. What, for example, would become of the world if every nation that could afford it decided to develop nuclear weapons to ensure its safety from the rest of the world? The answer to this and other questions are pertinent to determining the viability of the nuclear deterrence doctrine.

Has the World been more peaceful since the emergence of Nuclear Weapons in 1945?

A perusal of world chronicles shows that there was never a time that mankind was not engaged in some kind of armed conflict. World conflicts have only differed in pattern, ammunition and frequency overtime. The first most brutal and

³¹ See Waltz, K. 'The Spread of Nuclear Weapons: More May Better.' Op. Cit. p.1

³² *Newsweek*, May 23-30, 2011. Culled from "Nuclear Deterrence Theory: Still Alive and Kicking." Nuclear Age Foundation. (June 3, 2011) Available at waginpeacetoday.blogspot.com/2011/06/nuclear-deterrence-theory-still-alive.html (Accessed on 01/11/2012)

widespread war in world history occurred between 1914 and 1918 and was accordingly called the 'First World War.' Predominantly a European war, it recorded a massive casualty of millions of deaths.³³

Perhaps the most rigorous scientific effort to explore the historical incidences of war is the Correlates of War Project, headed by Professors J. David Singer and Melvin Small. The project identified 118 interstate conflicts involving at least two states, one of which was a sovereign nation, which resulted in at least one thousand battle deaths.³⁴ An appraisal of war trends in accordance with the findings of this project will be aimed at analyzing the frequency and fluctuation of war during the period of analyses. Adopting the definition of peace being the absence of war,³⁵ the period(s) when war is shown to have declined would invariably be regarded as more peaceful than the period(s) when war statistics are higher.

The project analyses divided the world system into five historical periods conforming to what many scholars and policy makers regard as major transition points in contemporary history³⁶ thus:

1. 1816 – 1848
2. 1849 – 1881
3. 1882 – 1914
4. 1915 – 1944
5. 1945 – 1980

It is noteworthy that the end of the third phase leading into the fourth phase marked the beginning of the First World War while the tail end of the fourth phase and beginning of the fifth phase marked the emergence of nuclear weapons as well as the end of the Second World War.

³³ "First World War 1914 – 18." Australian War Memorial. www.awm.gov.au/atwar/wwi.asp (Accessed on 01/11/2012)

³⁴ Kegley, C. et al. *World Politics: Trend and Transformation*. 2nd Edition (1985) St. Martins Press, U.S.A. p.418

³⁵ See the various definitions of peace, each having the element of 'the absence of war' in the *Greenwood Encyclopedia of International Relations*, Vol. 3. Greenwood Publishing Westport, CT. London (© 2002) by Cathal J. Nolan, p.1257

³⁶ Kegley, C. Op.cit. p. 418

The results of the study show that in the first phase there had been a total number of 20 interstate wars, 28 in the second phase, 24 in the third phase, 20 in the fourth phase and 26 in the fifth phase. The results show that war has been a recurrent phenomenon. There have been 118 of them and their frequency has fluctuated only moderately; the incidence has been fairly stable over time and no linear trend in the outbreak of wars is evident.³⁷

In discerning whether or not the incidences of war have declined since World War II, the study takes into cognizance that the number of sovereign nations comprising the international system has steadily increased over this time.³⁸ This is important because the number of wars can be hypothesized to be a function of the number of actors – the number of opportunities for contact among them will increase as the number of nations increases and such contact is likely to generate more occasions for conflict and war.³⁹ Therefore, where the incidences of war present as 20 in the first phase, the figure 26 in the fifth phase - the years after World War II - shows a decrease in frequency and not an increase because of the increase of sovereign nations in the international system and opportunities for contact amongst them. Consequently, the study presents that there is a modest downward trend in the outbreak of wars between nations and when balanced by the number of nations, the Post-World War II era has been more peaceful than the periods that preceded it.⁴⁰

A reason for the decline in war in the Post World War II era has been attributed to the existence of nuclear weapons. In their study, Small and Singer found that the length of wars steadily increased between 1816 and World War II, but began a drastic decline thereafter. The wars since 1945 have simply been shorter. Similarly, the average number of nations participating in major wars (which had been rising steadily since 1815) has fallen sharply since World War II. Wars are also more geographically confined.⁴¹

At this juncture the question that begs is, 'is it accurate that the world has been more peaceful since the end of World War II because there has been a downward trend in the incidences of interstate wars, and particularly among the

³⁷ Ibid.

³⁸ The average number of nation-states for each of the periods is : (1816 – 1848: 29); (1849 – 1881: 39); (1882 – 1914: 40); (1915 – 1944: 60); (1945 – 1980: 116)

³⁹ Kegley, C. *World Politics: Trends and Transformation*. Op.cit. p. 419

⁴⁰ Ibid.

⁴¹ Ibid.

superpowers who were major participants in the two World Wars?' The answer to the foregoing question must take into consideration that there have been several armed conflicts that occurred in the world after 1945, many of which have been very bloody with severe casualties. Some of the conflicts have been internally based, between people of a particular state. Some of the conflicts have been internationalized, within a particular state but with the involvement of third party states or allies while a few of the conflicts have been fully interstate, international wars.

One of the bloodiest protracted internationalized armed conflicts which occurred after 1945 was the Vietnam War. The war was fought for a period of over twenty years from 1954 to 1975 between the communist government of North Vietnam, supported by the Soviet Union and China and the government of South Vietnam supported by its principal ally, the U.S.A.⁴² The conflict resulted from the desire of North Vietnam to unify the whole country under a single communist regime modeled after that of the Soviet Union and China. It was estimated that two million civilians died from both sides, while over a million soldiers died in all.⁴³

The Korean War, which was fought between North and South Korea for three years between 1950 and 1953, was like the Vietnam War, a manifestation of the Cold War tensions between U.S.A and the Soviet Union. It also occurred after 1945.⁴⁴ This goes to show that the relative peace which existed between the world superpowers after 1945 did not exclude global tension and other international crises that nearly, but did not escalate into full-blown armed conflicts. The Cold – War era was a period where the United States of America and the Soviet Union were perpetually poised towards embarking on nuclear war at the trigger of one another if situations were not adequately contained.⁴⁵

⁴² Vietnam War (1954–75) Encyclopedia Britannica. www.britannica.com/EBchecked/topic/628478/vietnam-war (Accessed on 18/02/2013)

⁴³ Ibid.

⁴⁴ Korean War. www.infoplease.com/encyclopedia/history/korean-war.html (Accessed on 18/02/2013)

⁴⁵ An example of such crisis incidents is the Cuban Missile Crisis. The closest the U.S.A and the Soviet Union came to a nuclear war was in October 1962, in what came to be popularly known as the "Cuban Missile Crisis." The U.S.A had earlier tried to overthrow the Communist Cuban regime headed by Fidel Castro in two unsuccessful endeavors. To deter the U.S.A from further attempts to invade Cuba, the Soviet Union placed missiles in Cuba, an act which alarmed U.S.A. In reaction to the Soviet-planted missiles, U.S.A staged a naval blockade and threatened nuclear

Another major armed conflict that occurred in the world after 1945 was the Biafran War which occurred in Nigeria for three years between July 1967 and January 1970.⁴⁶ It was a civil war fought by the Eastern region of Nigeria which had declared itself the independent state of Biafra and the rest of the country which struggled to maintain the unity of the country. It was a bloody war and the worst experienced in Nigeria's history.⁴⁷

In the post Cold-War era still, very bloody wars have been fought in the world. One of such was the three-year intense armed conflict in Bosnia and Herzegovina between the three ethnic groups, Muslim *Bosniaks*, *Serbs* and *Croats* between 1992 and 1995.⁴⁸ The conflict manifested in the ethnic cleansing of the Muslim *Bosniaks* by the other ethnic groups. The Muslims were killed and some expelled from their indigenous settings. The death toll amounted to about 100,000 and an estimated two million people were displaced.⁴⁹ Even as the Bosnian War was ongoing, one of the worst human massacres to occur in Africa took place in Rwanda from April 6th 1994 to July 1994.⁵⁰ It was an ethnic cleansing of the minority ethnic *Tutsis* by the majority ethnic *Hutus*. Lasting 100 days, the Rwandan genocide left approximately 800,000 *Tutsis* and their sympathizers dead.⁵¹

The Correlates of War Project had in fact, taken an inventory of military confrontations which had not escalated into full-blown wars from 1820 – 1980 during the Cold War era. The results revealed that:

1. The number of military confrontations had increased over time.

warfare. When the Soviets tried to breach the blockade and shot an American plane, fears of a nuclear war were most imminent like never before. However, the two countries did not engage in war for fear of mutually assured destruction. Rather, they came to an agreement that the Soviet Union would remove its missiles from Cuba and the U.S.A would not invade Cuba again. Source: *Cuban Missile Crisis*. John F. Kennedy Library and Museum. www.jfklibrary.org/JFK/JFK-in-History/Cuban-Missile-Crisis.aspx. (Accessed on 28/01/2013)

⁴⁶ Abubakar Atofarati. "The Nigerian Civil War, Causes, Strategies And Lessons Learnt." (1991/92) www.africamasterweb.com/BiafranWarCauses.html (Accessed on 18/02/2013)

⁴⁷ Ibid.

⁴⁸ Malcolm, N. Bosnian Conflict. Encyclopedia Britannica www.britannica.com/EBchecked/topic/1365562/Bosnian-conflict (Accessed on 18/02/2013)

⁴⁹ Ibid.

⁵⁰ Jennifer Rosenberg, "A Short History of the Rwanda Genocide." About.com. history1900s.about.com/od/rwandagenocide/a/Rwanda-Genocide.htm (Accessed on 18/02/2013)

⁵¹ Ibid.

2. The average number of crises underway had risen in the 20th Century compared with that of the 19th.
3. The nuclear era had been the most crisis-ridden period.⁵²

Although a major war the magnitude of the two World Wars has not occurred after 1945, the nuclear age has been characterized by global tension and violent conflicts, as well as increased internal conflicts, particularly in developing countries. The conclusion that may be drawn from these analyses, therefore, is that the world has not been in a 'state of peace' since the emergence of nuclear weapons in 1945.

Does the Proliferation of Nuclear Weapons Increase or Decrease the Probability of Nuclear War?

It has been argued that the proliferation of nuclear weapons might reduce, rather than increase the probability of nuclear war.⁵³ Evidence supporting this assertion, if overwhelming, will suggest that the framework for the elimination of nuclear weapons is unnecessary, possibly destructive and should be replaced by a framework for safe nuclear acquisition and proliferation.

Studies have been conducted to test the hypothesis of nuclear deterrence. The studies have examined and analyzed the patterns of conflicts between states since 1945, to determine the exact deterrent impact of nuclear weapons on armed conflict. A perusal of such studies is poised to give a clearer perspective of nuclear weapons' role in regulating warfare and consequently, maintaining world peace as far as the '*peace as absence of war*' definition is relevant.

A study was conducted which examined the escalation patterns of conflict of nuclear and nonnuclear states in the 393 international confrontations that occurred between 1946 and 1976.⁵⁴ The study was carried out to verify certain assumptions, one of which is the general assumption that nuclear weaponry provides a military and psychological advantage in conflict situations for any

nation that possesses it. Secondly, that among developed countries, major war, nuclear or conventional, is no longer considered a realistic policy option; although nuclear weapons have not fundamentally affected the crisis behavior of major wars. They have rather replaced the occurrence of major wars with escalation of crisis, short of war.⁵⁵

Of the 393 cases, 111 conflicts involved at least one nuclear power. The remaining 282 cases were disputes that involved only nonnuclear states. Among other things, the findings of the study indicated that dispute escalation patterns are affected by weapons technology – the distribution of nuclear capabilities does impact the patterns of escalation in serious international disputes.⁵⁶ Interestingly, the patterns of conflicts between nuclear and nonnuclear states differ significantly. It was demonstrated that disputes between nuclear powers are more likely to escalate, short of war, than are nonnuclear disputes. In conflicts between nuclear and nonnuclear states, the possession of nuclear weapons has no evident inhibitory effect on the escalation propensities of the nonnuclear opponent. In mixed confrontations, nonnuclear dispute initiators or targets act much more aggressively than do their nuclear rivals.⁵⁷

The existence of nuclear weapons and knowledge of their destructive magnitude have obviously tempered the behavior of nuclear actors. The findings indicate that of all the serious disputes that have occurred between nuclear states since 1949, not one has escalated to war,⁵⁸ whereas numerous conflicts between nonnuclear states have crossed the war threshold. Nonnuclear states, without the threat or fear of mutually assured destruction of nuclear weapons are understandably prone to delve into full-scale war. The study concluded, therefore, that nuclear weapons lack efficacy as an escalation deterrent in confrontations with nonnuclear states.⁵⁹ In other words, the deterrence theory is relevant to nuclear powers only and has virtually no influence or effect in deterring conflicts between nonnuclear states. Even in conflicts between nuclear and nonnuclear states, it has no restraining effect on the nonnuclear power. It has, however, tempered behavior of nuclear powers, changing the face of their conflict interactions from full-scale bloody wars to escalated conflicts, short of war.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ The Cuban Missile Crisis is one of such crises.

⁵⁹ Ibid.

⁵² Kegley, C. *World Politics: Trends and Transformation*. Op.cit. p. 439

⁵³ Waltz, K. 'The Spread of Nuclear Weapons: More May Better.' Op.cit. p. 1

⁵⁴ The analysis presented in this study is based on information drawn from the Correlates of War Serious International Disputes Data set. Culled from Geller, D.S. 'Nuclear Weapons, Deterrence and Crisis Escalation.' *The Journal of Conflict Resolution*, Vol.34, No 2 (June 1990) p.297

Paradoxically, the fact that nuclear weapons have been shown to have no inhibitory effect whatsoever on nonnuclear states involved in conflict and conversely, have such effect on nuclear weapons states, has demonstrated that nuclear weapons *do* have a deterrent effect, albeit on their possessors. Their possession by the world superpowers has been able to deter major conflict between the superpowers. However, they have not had any deterrent effect on wars between nonnuclear powers.

Analysis

Having been examined in the light of world history, what can be said of the nuclear deterrence theory is that it does not provide a definitive solution to the question of world peace. History has shown that the post World War II era has been ridden with escalating crisis, short of war, internationally, and numerous internal conflicts particularly in developing countries. If it has served as a deterrent to anything, nuclear weaponry has probably only aided in the prevention of the occurrence of a major World War.

If the nuclear deterrence theory is to be validated, then the question must be asked whether every country should possess nuclear weapons to deter other countries from attacking it in conventional or nuclear warfare. The obvious answer is that apart from the fact that the world would be a working time bomb, ready to detonate at the whims of any careless government, most countries are not technologically equipped or sophisticated to possess and maintain nuclear weapons. Furthermore, the accuracy of the assertion that it was the presence of nuclear weapons that deterred the occurrence of a major World War since 1945 is questionable. No one can say for certain why there has not been a major war since 1945.

However, even if the deterrence theory cannot be tested and one can merely take for granted that nuclear deterrence does work and has worked all these decades, the present challenges in the international scene, namely, the rise of terrorism and international tension arising from nuclear aspirations, are not challenges that nuclear deterrence theory has solutions to. Simply put, if nuclear deterrence has worked, it has prevented the occurrence of World War 3. The relevant question now is; can it prevent the occurrence of an anarchic war when nuclear weapons fall into the hands of terrorists? An adequate answer to this will have to consider the fact that the deterrence theory rests on the fear of mutually assured destruction from nuclear weapons' detonation. One outstanding characteristic of terrorists' activities is the engagement in suicide killings,

sacrificing their own lives to achieve their objectives. Obviously, terrorists would not be deterred by the fear of mutually assured destruction, making the deterrence theory non-viable in this current scenario.

Challenges to World Peace and Security Posed by Nuclear Weapons

In the 1940s and throughout the Cold War era, the greatest nuclear fear entertained by states was the fear of the detonation of a nuclear bomb by either the U.S.A or the Soviet Union. However, with the passage of time and progression in weapons technology, as well as new occurrences in international affairs, new challenges in the sphere of nuclear weapons have emerged. The most prominent of these challenges manifest in the illicit spread and proliferation of nuclear weapons, potential nuclear terrorism and nuclear warfare.

Nuclear Terrorism

The reality of nuclear insecurity is growing. The insecurity stems from the fear of the acquisition of nuclear weapons or materials to make them by non-state actors, namely terrorist groups. So far terrorists in different parts of the world have demonstrated acts of terrorism using conventional weapons. Nothing in their ways of operation suggests they would refrain from using nuclear devices against their targets once they get their hands on them. This supposition is supported by the fact that terrorists' activities are characterized by indiscriminate killings with little or no consideration at all to distinguishing potential casualties, sometimes even themselves in suicide killings.

The phenomenon of terrorism has become universal and many states are known to have terrorist groups within them. Hence the names *Al-Qaeda*, *Al-Shabab*, *Boko Haram* among many others are prominent terrorist groups operating diversely. Affected states include Afghanistan, Somalia, Pakistan, Nigeria, Iraq, Sri Lanka and Columbia. In Nigeria, the *Boko Haram* group has claimed responsibility for the bombing of many places including the United Nations Headquarters in the Federal Capital Territory⁶⁰ and many churches in Northern Nigeria.⁶¹ On Sunday 26th November, 2012, two car bombs driven by

⁶⁰ Ibrahim Mshelizza, "Islamist Sect, Boko Haram Claims Nigerian U.N Bombing." www.reuters.com/article/2011/08/29/us-nigeria-bombing-claim-idUSTRE77S3Z20110829 (Accessed on 20/02/2013)

⁶¹ Isa Saidu et al. "Boko Haram Claims Deadly Nigerian Church Attacks." Voice of America News, June 10, 2012.

suicide attackers hit a church at the Jaji military cantonment in Kaduna, killing at least eleven people.⁶² On 14 March, 2014, *Boko Haram* gunmen attacked the Giwa military barracks in Maiduguri, Borno State and released several hundred detainees, leading to several deaths.⁶³ One of the most devastating attacks on a civilian object since the crisis began occurred on 25 June, 2014, when a shopping mall, 'Emab Plaza' in the Federal Capital City, Abuja, was bombed, leading to several deaths and injuries.⁶⁴

With this new and fast-growing phenomenon of terrorism, therefore, a new daunting challenge is thrown to the international community in its strife against nuclear weapons' spread. It is one thing for state actors to exercise restraint in the use of nuclear weapons and quite entirely another for suicide terrorists. That is because suicide terrorists would only be too willing to destroy the whole world if given the opportunity. If by any chance they take hold of the nuclear facilities of a nuclear weapon state, like Pakistan, not only would the Asian region be jeopardized but the whole world because of the terrorist networks worldwide.

So far, there have not been reported or known incidents of terrorists using nuclear weapons in their operations. The reason for this undoubtedly is that they have not had access to such weapons yet. However, there are two dangerous trends in international affairs which indicate disturbingly that the likelihood of such happening in the near future is there; one is the global rise in terrorism and the other is the rise in the quest for non-nuclear weapon states to possess nuclear weapons. There have been reported incidents also, over the years, of terrorists attacking a U.S nuclear weapons base in Germany as far back as 1977 and terrorist teams carrying out reconnaissance at Russian nuclear warhead storage facilities in 2001.⁶⁵ There have also been documented cases of outsider thefts of

www.voanews.com/content/two-nigeria-churches-attacked-3-dead/1205576.html (Accessed on 20/02/2013)

⁶² Daily Trust, Monday Nov.26th, 2012.p.1

⁶³ Amnesty International Report "More than 1,500 killed in armed conflict in North-Eastern Nigeria in early 2014" Reliefweb (28 March, 2014) Reliefweb.int/report/Nigeria/more-than-1500-killed-armed-conflict-north-eastern-nigeria-early-2014 (Accessed on 10/08/2014)

⁶⁴ Nigeria Village Square "Breaking News: Abuja Shopping Centre hit by blast." www.nigeriavillagesquare.com/news/breaking-news-abuja-shopping-centre-hit-by-blast.html. (Accessed on 10/08/2014) Federal Ministry of information "Emab Plaza Bomb Explosion.." fmi.gov.ng/latest/51800 (Accessed on 10/08/2014)

⁶⁵ Bunn, M, 'A Mathematical Model of the Risk of Nuclear Terrorism.' *Annals of the American Academy of Political and Social Science*, Vol. 607 (Sept.2006) Published by Sage Publications Inc. in association with the American Academy of Political and Social Science. p. 110

nuclear material not instigated by terrorists – though in the known cases, these outsiders had help from insiders.⁶⁶ Once terrorists have acquired a nuclear weapon or the materials to make one, the policy options available to reduce the danger of nuclear terrorism become far more limited.⁶⁷

There have been projections by analysts on the possibilities of terrorist groups getting hold of nuclear weapons and the consensus appears to be that no nuclear-weapon state would deliberately offer nuclear weapons to independent groups of people. Some have opined that a nuclear attack might be one of the most difficult missions a terrorist group could hope to try, but if a sophisticated terrorist group acquired a stolen nuclear bomb or enough nuclear material to make one, there can be a few grounds for confidence that they would be unable to use it.⁶⁸

The probability of the use of nuclear weapons today remains lower than during the Cold War era but it is clearly increasing. This threat appears significantly more real today than it was in the 1970s and even in the first half of the 1980s when nuclear tensions were quite acute.⁶⁹ Although arguing for selective nuclear proliferation, nuclear analysts, Bueno de Mesquita and William Riker acknowledged the dangers of nuclear proliferation in these words, "Nuclear proliferation will be likely to enhance the opportunities of non-territorial terrorist groups to seize nuclear weapons. The miniaturization of nuclear weapons has already made feasible the clandestine movement of low-yield nuclear warheads. In that sense, proliferation would add to an already existing danger."⁷⁰

International Tension and the Imminence of Nuclear War

The end of the Cold War in 1990 did not signal the end of the nuclear era. It ushered in the second nuclear age. The second nuclear age which subsists to the present time is characterized by the continued possession of nuclear weapons by the nuclear weapon states, as well as the aspiration for proliferation of nuclear weapons among non-nuclear weapon states. Non-nuclear weapon states like Iraq and Libya had been caught clandestinely nurturing a nuclear weapons

⁶⁶ Ibid.

⁶⁷ Ibid.p.116

⁶⁸ Bunn, M and A. Wier, 'Terrorist Nuclear Weapon Construction: How Difficult?.' *Annals of the American Academy of Political and Social Science*. Ibid. p. 147

⁶⁹ A. Kokoshin, 'A Nuclear Response to Nuclear Terror: Reflections of Nuclear Preemption.' *Annals of the American Academy of Political and Social Science*. Ibid. p. 63

⁷⁰ Mesquita and Riker, 'An Assessment of the Merits of Selective Nuclear Proliferation.' *Op.cit.* p. 304

program.⁷¹ North Korea had shunned the anti-proliferation regime by withdrawing from the Nuclear Non-Proliferation Treaty in 2003 and embarking on its own nuclear weapons program.⁷²

Another state suspected of clandestine nuclear proliferation is Iran. The Prime Minister of Israel, Benjamin Netanyahu, had warned the international community of Iran's impending production of a nuclear bomb, threatening many times that Israel would strike Iran with a war. On September, 27, 2012, he demonstrated Iran's progress before the United Nations General Assembly by holding up a cartoon-like drawing of a bomb with a fuse and literally drew a red line just below a label reading, 'final stages to a bomb,' in which Iran was 90% along the path of having sufficient weapons grade material.⁷³ On its part, Iran had always raised concerns about the fact that Israel possessed nuclear weapons, it had refused to be a party to the Non-Proliferation Treaty or any nuclear weapons treaty and it is also a strong ally of the U.S.A, the world's nuclear superpower.⁷⁴

It is apparent that the issue of proliferation and spread of nuclear weapons will not go away until something constructive is done about it. As long as some states in the international community continue to possess nuclear weapons, other states would feel entitled as well. While nuclear deterrence theorists profess that the proliferation of nuclear weapons will deter war, evolving nuclear dynamics actually point to the contrary. As a matter of fact, nuclear proliferation currently points to the likelihood of military confrontations actually occurring. On 12th February 2013, North Korea carried out its third nuclear test in defiance of warnings from the United Nations Organization and the United States of America.⁷⁵ In reaction to threats from the U.S.A, North Korea threatened that it would target its nuclear weapons towards the U.S.A in a military

⁷¹IAEA and Iraqi Nuclear Weapons- Iraq Special Weapons. FAS: Weapons of Mass Destruction. www.fas.org/nuke/guide/iraq/nuke/iaea.htm. (Accessed on 28/01/2013) Libyan Nuclear Weapons: Weapons of Mass Destruction. Global Security.org. www.globalsecurity.org/wmd/world/libya/nuclear.htm (Accessed on 28/01/2013)

⁷² North Korea's Nuclear Weapons Program. http://www.fas.org/nuke/guide/dprk_f.gif (Accessed on 23/10/2012)

⁷³ Netanyahu draws "red line" on Iran's Nuclear Program. Reuters report, by Jeffery Heller, United Nations. Thursday September 27th 2012. www.reuters.com/article/2012/09/27/U.S-UN-assembly-israel-iran-idUSBRE88OOG120120927. (Accessed on 01/11/2012)

⁷⁴ "Iran condemns U.S as 'nuclear criminal', pushes for global disarmament." Cnsnews.com, (April 19, 2010) cnsnews.com/news/article/iran-condemns-us-nuclear-criminal-pushes-global-disarmament (Accessed on 10/09/2012)

⁷⁵ Aljazeera News Live. February 13, 2013

attack.⁷⁶ Meanwhile, South Korea had been threatening to attack the North because of the latter's progressive nuclear weapons program.⁷⁷

The threatened war between Israel and Iran also envisages a situation whereby some Arab allies of Iran like Syria and Lebanon would rally behind Iran in a military confrontation with Israel backed by the U.S.A. If indeed, Iran had developed its nuclear weapons and tensions escalate and nuclear weapons are eventually used, the Middle East and a great part of the world would inevitably be destroyed. That is the reality and perhaps the world is heading towards that direction.

Recommendations and Conclusion

The foregoing discourse has projected the fact that elimination of nuclear weapons would invariably be a positive development for the maintenance of world peace and security. Conversely, the continued existence of nuclear weapons in the world points to the potential destruction and extinction of humankind and the natural environment. The negative implications of the possession of nuclear weapons are quite simply:

1. Potential nuclear warfare and the extinction of a large portion of the human race and the natural environment.
2. Illicit spread and proliferation of nuclear weapons, leading to the use of nuclear weapons by non-state actors, namely, terrorist groups resulting in catastrophic consequences.
3. Nuclear accidents resulting in unexpected negative consequences.

If nuclear weapons are completely eliminated, therefore, these negative possibilities will not exist. There are new challenges to world peace and security which make the nuclear deterrence doctrine absolutely irrelevant. In view of the foregoing, therefore, it is recommended that a specialized international organization be established exclusively for the goal of eliminating nuclear weapons from the earth. Such organization, composed of states of the international community as members, should also be affiliated with the various international non-governmental organizations that are invested in the fight to abolish nuclear weapons.

⁷⁶ Ibid.

⁷⁷ CNN News Report, February 15, 2013