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Strategies for Acquiring Foreign Nuclear Assistance in the Middle East: Lessons from the United Arab Emirates

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Introduction

The path to acquiring a peaceful civilian nuclear program is fraught with challenges for countries in the Middle East. Given Israel's proactive policies in preventing the proliferation of its neighbors and nuclear supplier states' consternation about the proliferation of nuclear weapons in the region, Arab states face a number of unique obstacles in acquiring foreign nuclear assistance. Yet as the United Arab Emirates' (UAE) recent success in courting the assistance of a number of nuclear supplier states demonstrates, these obstacles are not insurmountable. This piece explores the UAE's strategies in obtaining foreign nuclear assistance to uncover the generalizable insights that may be of use to other Middle Eastern countries seeking to develop peaceful nuclear programs.

If all goes according to the UAE's ambitious plans, the country's first energy producing nuclear power plants should come online between 2015 and 2017. According to the UAE's official analysis, nuclear energy constitutes the most environmentally-friendly and cost-effective means of meeting the country's rapidly rising demand for electricity that will more than double by 2020.¹ The rapidity with which the UAE has been able to move forward with its nuclear plans has been remarkable. While industry experts currently expect the UAE's first nuclear plants to come online most likely in 2017,² that date is far faster than the 15 years nuclear experts had previously predicted that it would take for a Gulf state to bring such a program into fruition.³ Towards that end, the UAE is now considering bids from firms from no less than four nuclear supplier states.

The UAE faced a number of additional challenges beyond those of its fellow members of the Gulf Cooperation Council (GCC) that jointly expressed interest in pursuing nuclear energy in December of 2006. The UAE's close commercial relationship with Iran and its facilitation of the A.Q. Khan proliferation network's activities have singled it out as a major proliferation risk by some analysts.⁴ In 2007, the U.S. Department of Commerce even considered categorizing the UAE as a "diversion risk" state before the country passed an export control law on its export of dual-use commodities.⁵ Thus, the UAE faced greater challenges in convincing supplier states that it would be a secure, responsible steward of the nuclear technologies and materials that would be shared with it than many other Arab countries.

The UAE has overcome these challenges by pursuing a strategy that has leveraged its strategic alliances, turned potential opponents in the nonproliferation community into advocates on its behalf, and used the lucrative nature of the contracts it seeks to place potential suppliers in open competition for its business. This piece explores four elements of the UAE's strategy that may be exportable to other countries in the Middle East, including: 1) how the UAE leveraged its alliance relationships with France and the U.S. to obtain their nuclear cooperation; 2) the UAE's strategy for consulting and negotiating with leading nuclear suppliers; 3) the UAE's willingness to forsake a full nuclear fuel cycle; and, 4) the UAE's efforts to use the lucrative nature of the deals it seeks to influence the domestic political decision-making of supplier states. Strikingly, the UAE's efforts have won over the support of some of the world's leading nonproliferation experts.⁶

Understanding how the UAE transformed itself from a leading proliferation concern into—likely—the first Arab country to possess a civil nuclear energy program could be vitally important for policymakers in states seeking foreign nu-

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clear assistance. According to the UAE’s Foreign Minister Abdullah bin Zayed Al Nahyan, “...the UAE hopes to chart a new path via which the benefits of nuclear energy may be safely made available to an expanding list of countries.”⁷ This suggests that the UAE’s leaders are conscious of the precedent their country is setting for the rest of their region. Whether the Emirati model proves to be an anomaly in the Arab world or the archetype for future deals depends upon the lessons that both nuclear suppliers and potential recipients draw from it.

This paper begins by examining the dilemma of sharing nuclear technology from the perspective of supplier states. It then discusses the UAE’s strategy for acquiring foreign nuclear assistance, highlighting the challenges it faced and four core elements of its strategy. I then discuss the extent to which elements of the UAE’s strategy can be more broadly generalized. The paper concludes with a summary discussion of the UAE’s approach and its prospects for more widespread use in the Middle East.

The Profits and Perils of Sharing Civilian Nuclear Technology

Though nuclear power presents great potential for helping the world’s countries meet their energy needs, civil nuclear programs are not without tradeoffs. President Eisenhower’s famous “Atoms for Peace” initiative once envisioned that civil nuclear energy programs could be spread safely and peacefully around the world.⁸ Yet, international concerns soon grew over how the proliferation of nuclear technologies and materials could also contribute to the spread of nuclear weapons. Indeed, recent research has demonstrated that countries that have received peaceful nuclear assistance from foreign countries are both more likely to pursue nuclear weapons and successfully acquire them.⁹ Moreover, countries lacking sufficient controls over their nuclear programs can allow these technologies and their associated materials to further proliferate.¹⁰ For countries sensitive to the security risks inherent in the proliferation of nuclear goods and technologies, such considerations often weigh heavily on their decisions whether to share their nuclear technology.

Concerns over the spread of nuclear weapons have led to numerous international efforts to restrict their proliferation. The landmark creation of the Nuclear Nonproliferation Treaty (NPT) constitutes the most famous of these efforts.¹¹ The NPT codified a “grand bargain” between countries that already possessed nuclear weapons and those that did not. In return for agreeing not to pursue nuclear weapons, the countries already possessing nuclear weapons promised to move towards eventual disarmament *and* provide assistance to signatories in developing peaceful nuclear programs. The International Atomic Energy Agency (IAEA) was created both to promote the peaceful sharing of the nuclear technology and monitor states’ commitments not to acquire nuclear weapons. As the NPT’s critics have argued, however, the nuclear weapons states have largely failed to live up to their part of the bargain.

The Nuclear Suppliers Group (NSG), a voluntary multilateral regime comprised of states possessing the capacity to produce nuclear technologies, has served an additional bulwark for countries seeking to prevent the proliferation of nuclear weapons.¹² The explicit goal of the NSG is to ensure that that the technology transfers and exports of its members do not contribute to the spread of nuclear weapons. These concerns have led its members to limit the nuclear technologies

and materials they have been willing to share, even among signatory states of the NPT. Yet while the NSG's members set consensus guidelines for the secure export of nuclear technologies, adhering to those guidelines is a decision ultimately left up to the national governments of its members.

For states with access to nuclear technologies, a number of potential benefits exist for exporting them abroad—despite the potential risks. As past history has shown, it has been surprisingly common for states to employ “nuclear diplomacy” as a means of strengthening their alliances and balancing against their adversaries.¹³ Another set of incentives stem from the commercial and domestic political incentives that such transfers can offer. The export of nuclear materials, technologies, and expertise can generate revenues worth billions of dollars to domestic firms. For countries with state-owned nuclear industries, such contracts can be a boon for a government's coffers and help to financially maintain domestic nuclear sectors even in the absence of planned domestic expansion. For countries with privately-controlled nuclear sectors, heavily-concentrated industries, like those in the nuclear sector, often wield significant political clout with their governments. The potential revenues, jobs created, and extensive lobbying conducted by countries' nuclear sectors can provide leaders with substantial incentives to approve foreign nuclear deals. Indeed, there can be a significant amount of competition in the international marketplace over which countries' companies will win foreign nuclear contracts. Given the billions of dollars at stake in such deals, the governments of nuclear exporters have incentives to strongly lobby on behalf of their home-state firms if the potential recipient state meets the governments' foreign policy and security criteria for such transfers to be in its interests.

The UAE's Strategy of Courting Nuclear Suppliers

The UAE's success at gaining international support for its nuclear programs comes at a tense time in the Gulf politics and for the nonproliferation community. Just across the Gulf, Iran's pursuit of civil nuclear program has sparked international controversy and a showdown with the UN Security Council. Yet despite this inhospitable climate, the UAE's proposed plan for its pursuit of civilian nuclear energy program has been widely praised by foreign governments and from the nonproliferation community.¹⁴ From the initial nuclear cooperation agreement it signed with France in January of 2008, the UAE subsequently penned agreements with Japan, Great Britain, and the United States—the latter of which is now pending Congressional approval before becoming law.¹⁵ So while consternation has been expressed at the number of Middle Eastern countries that have shown interest in civil nuclear programs, states are lining up to supply the UAE with such a program.

I argue that the UAE has engaged in a shrewd diplomatic strategy that has assuaged supplier states' proliferation concerns and whetted their nuclear industries' appetites for the lucrative commercial opportunities it presents. In doing so, the UAE Government has overcome both the challenges of its geographic and commercial relationship with Iran—one of the world's leading proliferation concerns—and its own checkered involvement in prominent proliferation cases. Four core elements of the UAE's strategy for pursuing foreign nuclear assistance have helped it overcome these obstacles. To begin with, the UAE first sought

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the assistance of its two key nuclear supplier allies, France and the United States, and sequenced its negotiations so as to raise the likelihood of receiving assistance from both. The UAE leveraged France’s free-wheeling “nuclear diplomacy” to secure its first solid promise of nuclear assistance before attempting to persuade the more prudent U.S. Government into following suit. Second, the UAE Government agreed to sign all the major international treaties related to the safety and security of nuclear programs and has become party to a suite of other multilateral and bilateral nonproliferation initiatives. Third, the UAE renounced its rights to the possession of full nuclear fuel cycle. Finally, the UAE has used the lucrative nature of the potential contracts it is offering and a shrewd domestic lobbying campaign to entice foreign governments, like the United States, into providing it with nuclear assistance. Before turning to the UAE’s strategy for acquiring nuclear assistance, I will first discuss the obstacles it overcame.

The UAE’s Nuclear Obstacles: Why Deny the UAE Civil Nuclear Assistance?

To gain the approval of nuclear suppliers, the UAE had a number of obstacles to overcome concerning its high-profile role in past proliferation cases, its relationship with Iran, and lingering concerns over its strategic trade controls. For potential nuclear suppliers, the role played by the UAE in the A.Q. Khan proliferation network has raised a number of red flags over the country’s commitment to nonproliferation. The Khan network relied on Dubai as one of its primary transshipment hubs for the distribution of the illicit nuclear technologies it was brokering and used a number of front companies based out of the UAE to carry out its operations.¹⁶ Khan himself traveled to Iran from Dubai over 20 times from 1999 to 2004, using the emirate as his base of operations for coordinating his clandestine nuclear dealings with the country.¹⁷ At the time these activities occurred, the UAE had almost no functional strategic trade controls in place that would have prevented or criminalized this behavior. This raises the question as to whether elements of the Emirati Government were complicit in allowing the Khan network to operate inside its borders or whether the government simply did not have the capability to recognize what the Khan’s network’s activities were.

This case speaks to the second potential impediment to the UAE’s acquisition of peaceful nuclear assistance—its close commercial relationship with Iran. Since the advent of U.S. sanctions against Iran almost thirty years ago, the UAE has played an active role in sanctions-busting on the country’s behalf. The UAE has served as Iran’s commercial gateway to the rest of the world, helping the country acquire sanctioned commodities that it could not otherwise obtain on its own.¹⁸ Bilateral trade between the two countries recently topped \$14 billion, with Iranian investors holding over \$300 billion in fixed capital investments within UAE.¹⁹ For nuclear suppliers concerned about the proliferation of sensitive technologies to Iran, the UAE’s geographical proximity, close commercial relationship, and strong social ties raise significant concern about the proliferation risks of sharing advanced nuclear technologies with the UAE.²⁰

The last major concern relates to the current state of the UAE’s system of strategic trade controls. In September of 2007, the UAE finally passed a strategic trade control law.²¹ The export control law establishes a comprehensive set of controls governing the export, re-export, transit, and transshipment of dual-use goods through its territories. The law also territorially extends to the UAE’s free trade zones (e.g., JAFZA) and covers the brokerage of dual-use items. Lastly, the

export control law addresses intangible goods, like software and blueprints, which prevent the proliferation of sensitive dual-use technologies. Violations of the law carry both administrative and criminal punishments, which include stiff fines and jail time. While the 2007 law establishes the legal foundation for the Emirati export control system, it left the development of specific regulations and protocols for the system's implementation to the National Commission for Commodities Subject to Import, Export, and Re-export Controls that was also established in the legislation.

The passage of this law constituted a *major* step forward in the development of the UAE's export control system, but there are still reasons to be concerned about its implementation. The Commission formed to oversee the UAE's export control system only met for the first time on May 11, 2009.²² There is little evidence that the UAE has institutionalized a formal licensing system or that wide-scale implementation of the law has gone into effect across all seven emirates. Due to the confederal structure of the UAE, the implementation of the export control law is complicated by the existence of seven separate customs agencies for each of the country's emirates. As well, almost no government-industry outreach has occurred within the UAE concerning its new export control system.²³ While the UAE Government may truly claim that it has cooperated with its allies in shutting down 40 Iranian firms engaged in proliferant trade operating within its borders and stopped 10 illicit transactions,²⁴ it appears as if such enforcement activities have occurred on an ad hoc basis. So though the UAE's export control system may have significantly improved over the past five years, it is still very much a work in progress.²⁵ The question for supplier states is when (or if) the UAE's strategic trade controls will be well-developed enough to ensure the protection of the nuclear technologies and materials that would be shared with it under the aegis of the foreign nuclear cooperation agreements.

So, given these situational challenges, how has the UAE sought to overcome the potential reservations of nuclear suppliers in providing it with the foreign assistance it seeks?

1. Nuclear Diplomacy and Strategic Alliances

The UAE has a pair of strategic alliances with the United States and France. Notably, the UAE's first two formal nuclear cooperation agreements will have been negotiated with those two states, pending Congressional approval of the U.S.-UAE 123 Agreement. This is consistent with Matthew Fuhrmann's broader argument that military allies are more likely to forge nuclear cooperation agreements with each other, as such agreements can strengthen the strategic relationships between the supplier and recipient countries and enhance the power of their alliance blocs.²⁶ While incentives existed for the UAE to seek foreign nuclear assistance from France and the U.S., there was also a strong rationale in its decision to strike an agreement with the French Government first.

France has a long history of making nuclear transfers to the Middle East region. Indeed, France supplied the Israeli Government with the nuclear reactors and re-processing technology during the 1950s that allowed the country to build its nuclear weapons.²⁷ More recently, French President Nicholas Sarkozy has continued his country's tradition of nuclear diplomacy—signing a host of nuclear cooperation agreements with countries across the Middle East.²⁸ President Sarkozy's interest in sharing France's nuclear technology with oil-rich Arab countries is both material and strategic, opening up markets for French nuclear technology

and securing valuable oil concessions in return.²⁹ For the UAE, courting a nuclear cooperation agreement with France made sense, given its pre-existing security ties with the country and its demonstrated willingness to export its nuclear technology. Seeking to acquire nuclear assistance from France offered the UAE the opportunity to both deepen its strategic relationship with the country *and* demonstrate to the rest of the world’s nuclear suppliers that it had at least one avenue for acquiring nuclear technology. The UAE’s negotiations with France culminated in January of 2008, in which the countries signed two deals: the first of which entailed the establishment of a French naval base in Abu Dhabi and the second when enshrined France’s pledge of nuclear assistance to the UAE.³⁰ The strength of this two-pronged agreement served as a signal to the rest of the world’s suppliers that irrespective of their individual decisions, the UAE’s ability to acquire a nuclear program was a *fait accompli*. Establishing this first concrete partnership has made it easier for the UAE to pursue additional deals with other supplier states.

In the case of the United States, U.S. policymakers have a larger set of security concerns and the domestic politics involved in the provision of foreign nuclear assistance are more contentious than they are in France. The political battles that played out in the U.S. Congress over the proposed U.S.-Indian nuclear deal illustrate the contentious nature of these issues. As well, the harsh rebukes their country received on Capitol Hill during Dubai Ports World’s attempt to take over the management of several U.S. ports in 2006 was still fresh in the minds of Emirati policymakers. As Emirati policymakers gauged, having a strategic alliance with the United States was, itself, not enough to guarantee that the U.S. Government would broker such a deal.³¹ By forging a nuclear agreement with France first, Emirati policymakers could argue that their nuclear program would go forward with or without U.S. approval. This reframed the decision for U.S. policymakers. No longer was it a question of whether or not the UAE should have a civilian nuclear program; instead, it became one of whether the U.S. would contribute to an effort that was already doing forward. Since the nonproliferation risks of granting the UAE nuclear assistance were already likely to be a given, the U.S. strategy shifted to one of mitigating rather than altogether preventing those risks. Thus, the U.S. Government sought to lock-in the UAE’s promise not to acquire enrichment or reprocessing capabilities into a hard-law commitment under the terms of the bilateral 123 Agreement it negotiated with the country. Also, the United States risks having the strength of its alliance with the UAE undercut by its increasingly close political and security relationship with France if it does not provide similar assistance.³²

Understanding the mixed incentives that its allies had in sharing their nuclear technology with it, the UAE Government sequenced its negotiating strategy accordingly. In negotiating its nuclear agreement with France first, the UAE changed the incentive structure of facing U.S. policymakers to one more amenable to reaching an agreement. As this case illustrates, negotiating first with the country most willing to share its nuclear technology can facilitate subsequent agreements with other, potentially more recalcitrant, supplier states. Given France’s declared willingness to share its nuclear technology with countries in the Middle East, this suggests that a fruitful strategy for Middle Eastern countries seeking nuclear technology is to start with France first, in anticipation of other suppliers lining up to follow suit.

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2. *International Consultation and Commitments*

Rather than limiting its focus to convincing only the French Government that it would be a responsible steward of the nuclear program it sought, the UAE Government actively sought the advice and input of the rest of the nuclear supplier community. In drafting the whitepaper for its proposed nuclear program, the UAE consulted with the IAEA and a number of the leading members of the NSG, including: the U.S., France, Great Britain, China, Japan, Germany, South Korea, and Russia.³³ The whitepaper issued by the UAE Government in April 2008,³⁴ presents the rationale motivating the UAE's pursuit of nuclear energy and the framework by which the country would pursue it. The white paper outlined the series of steps the UAE Government planned to take in providing for the transparency and security of its nuclear program and the steps it would take to prevent the proliferation of the materials and technologies that would be shared with it. Having become a signatory of the NPT in 1995 and signed the IAEA's *Convention on the Physical Protection of Nuclear Material* in 2003, the UAE also committed itself to becoming party to the IAEA's *Additional Protocol to Safeguards Agreement* and its *Amendment to the Convention on the Physical Protection*. The white paper also laid out the domestic legal and institutional infrastructure that the UAE Government was putting in place to monitor, manage, and protect its proposed nuclear program.

All told, the white paper prepared by the Emirati Government has been well-received by the non-proliferation community, with many observers citing it as a "model" plan for the initiation of peaceful civilian nuclear program.³⁵ By seeking the input of the world's most prominent nuclear suppliers in drafting its plan and adopting the best practices they suggested, the Emirati Government addressed many of these states' concerns up-front. How could these states be critical of the UAE's plan for acquiring a civilian nuclear program that they played a hand in formulating? Given obligation of the nuclear weapons states to share peaceful nuclear technology under the NPT, the UAE limited the justifications for denying it such technology by committing to the adoption of all of the existing international protocols for its safe and secure management. On April 8 of 2009, the UAE Government signed the IAEA's *Additional Protocol* and its Cabinet provisionally approved the text of the *Amendment to the Convention on the Physical Protection* in February.³⁶ Thus, the Emirati Government has rapidly followed through on the commitments it made to the international the international community.

In its nuclear white paper, the UAE Government also agreed to adopt the NSG's Export Guidelines as a non-member adherent if it followed through on the construction of nuclear power plants.³⁷ Since the white paper's issuance, the UAE has been in talks with the NSG over its nuclear program. On May 13, representatives from the Emirati Government met with a delegation led by the NSG's chairman to discuss the UAE's efforts to impose export controls on nuclear materials and technologies.³⁸ Thus, the UAE has voluntarily engaged with the leading regime for nuclear exports to alleviate concerns about the country's efforts in this sector.

Rather than seeking the lowest threshold of nonproliferation commitments that at least one potential nuclear supplier would find acceptable, the UAE sought to set the "gold-standard" in terms of its nonproliferation commitments.³⁹ Given the existing criticisms leveled against the NSG's members about their refusal to provide nuclear technology to Arab states, the members' refusal to share its nuclear technology with a country willing to commit to all of the protocols and guidelines it had established would severely undermine the regime's legitimacy and hurt its

members' reputations in the Arab world.⁴⁰ Through its approach, the UAE Government effectively shifted the burden of proof as to why it should be granted foreign nuclear assistance back to nuclear supplier states, putting the onus on them to demonstrate why they should not let such a deal occur.

3. Renouncing its Rights to a Full Nuclear Fuel Cycle

The UAE went a fully a step further in alleviating nuclear supplier states' proliferation concerns then demanded of it by existing international norms or treaties. In its 2008 white paper, the UAE Government voluntarily committed itself to not acquiring the domestic capacity to enrich uranium.⁴¹ Enriched uranium is one of the fissile materials that can be used to construct nuclear weapons. The same technologies and processes that allow for low-level enrichment of uranium for nuclear fuel can also be used to enrich uranium to weapons-grade levels. The dispute over this dual-use technology is what lies at the heart of controversy surrounding Iran's nuclear program. The white paper also states the UAE's intention not to acquire a nuclear reprocessing program that would allow it to extract plutonium from spent nuclear fuel. Thus, the UAE publically renounced its rights to acquire the constituent parts of a nuclear program that would be necessary for the pursuit of nuclear weapons. This enshrined the UAE's individual nonproliferation commitments on a *de facto* as well as *de jure* level.

This strategy has aroused controversy because of the potential precedent it may set for future recipients of foreign nuclear assistance. Under the NPT, signatories that agree to not to acquire nuclear weapons in exchange for peaceful nuclear assistance still have the right to acquire the same type of full nuclear fuel cycles (e.g., having the capacity to enrich uranium and reprocess spent nuclear fuel) as nuclear weapons states. The unprecedented relinquishment of these rights by the UAE may signal the initiation of a new norm that could condition nuclear suppliers' future provision of nuclear assistance.⁴² By making this unprecedented concession, the UAE largely made supplier states' concerns about its individual intention to acquire nuclear weapons a non-issue.

One could argue that the UAE needed to make such sweeping nonproliferation commitments to overcome its checkered proliferation history. Yet, the extent to which the nuclear supplier community has embraced the UAE's novel approach suggests that it may be the easiest route for other countries to pursue foreign nuclear assistance in the future—even those constituting less of a proliferation risk. By virtue of having gotten such concessions from the UAE, nuclear suppliers may seek to make the inclusion of similar stipulations the baseline for their dealings with other Middle Eastern countries.

4. Playing to Supplier States' Commercial Constituencies

The UAE's last strategy has been to tantalize foreign governments and their nuclear industry with the potentially lucrative contracts it would be willing to offer states willing to provide them with foreign nuclear assistance. Whereas the initial contracts being considered for the construction of the UAE's first nuclear reactors are estimated to be worth around \$20 billion, the total contracting for UAE's nuclear program could exceed \$40 billion.⁴³ The UAE has actively courted the attentions of a number of foreign firms. Currently, the UAE Government has pre-qualified firms from France (a group composed of Areva, Total, and GDF Suez), Japan (Toshiba Corporation), South Korea (KEPCO), and the United States (Gen-

eral Electric and a group composed of Westinghouse and the Shaw Group) to submit bids on its nuclear contracts.⁴⁴ The home states of the firms that win the Emirati nuclear contracts could benefit greatly from the tax revenues and domestic jobs such contracts would provide. Additionally, most of these firms constitute major domestic interest groups within their home countries. Thus, the governments of supplier states confront both the economic opportunity costs of not allowing their firms to provide the UAE with nuclear technology and potential political costs.

The leverage this offers in negotiating with the governments of potential supplier states is not lost upon the UAE Government. Having learned its lesson about U.S. domestic politics, the UAE Government has hired two high-profile American lobbying firms featuring former Congressman Vic Fazio and former House Majority Leader Dick Armey, to advocate on behalf of the U.S.-UAE 123 Agreement in Congress.⁴⁵ All told, the UAE Government has spent over \$1.6 million on its lobbying campaign to garner support for the 123 Agreement.⁴⁶ U.S. commercial interest groups, such as the U.S.-U.A.E. Business Council, have also lobbied on the nuclear deal's behalf. The cover page of the promotional pamphlet distributed by the Council after the 123 Agreement became subject to Congressional approval boldly (and misleadingly) declares: "40,000 megawatts; \$40 billion; 10,000 U.S. jobs."⁴⁷ Yet, the U.S.-UAE 123 Agreement does not guarantee that American firms will actually receive contracts from the UAE—it will only allow for American companies' bids to be considered. Danny Seabright, the President of U.S.-U.A.E. Business Council, has further argued that by vetoing the 123 Agreement with the UAE the U.S. Congress would be doing significant damage to the long-term welfare of the American nuclear industry—a potent message to legislators in troubled economic times.⁴⁸ The coordinated alignment of the UAE Government's efforts and those of American commercial interests have placed concentrated political pressure on Congress to allow the deal to go through.

The strategy pursued by the Emirati Government demonstrates its leadership's political acumen to the foreign policy interests of nuclear supplier states and their domestic politics. By focusing foreign suppliers' attention on the potential commercial gains to be made through the deal, the UAE has sought to overcome legislators' remaining objections to it. For electorally conscious Congressmen, blocking a potentially lucrative foreign deal during the middle of recession could be perceived as more costly than the diffuse and uncertain security risks that could come from its approval. This sensitivity to the commercial interests and domestic politics of foreign supplier states constitutes an important strategy that other Middle Eastern states should consider in pursuing foreign nuclear assistance. Being politically proactive and courting natural alliances with the foreign interest groups would profit from providing foreign nuclear assistance can help in getting foreign governments to sign off on nuclear cooperation deals.

By focusing foreign suppliers' attention on the potential commercial gains to be made through the deal, the UAE has sought to overcome legislators' remaining objections to it.

Lessons From the UAE for States Seeking Foreign Nuclear Assistance

States seeking to acquire peaceful nuclear programs face the dilemma of how to best acquire the foreign assistance they need from suppliers with mixed interests in providing it. This requires potential recipients to assuage the concerns of the nonproliferation community, address the individual security considerations of supplier states, and navigate the sometimes treacherous domestic politics sur-

rounding the negotiation of such deals. The UAE's strategies and experiences offer some general insights for states seeking foreign nuclear assistance in how to effectively obtain it.

Though proliferation concerns may stymie a country's efforts to acquire foreign nuclear assistance, broader strategic considerations can play to a potential recipient country's advantage. The UAE's efforts to first cultivate ties with France and the United States illustrate why military allies constitute attractive partners for states seeking to acquire foreign nuclear assistance. Allies can tailor their deals for sharing nuclear technologies in ways that mutually enhance each others' security. The simultaneous negotiation of the placement of a French naval base in the UAE and the civil nuclear cooperation agreement between the two countries is not a coincidence. Both deals reflected the desire of the UAE and France to strengthen their countries' strategic partnership. Glenn Snyder has also observed that policymakers often expect that cooperation with allied governments should spillover beyond the immediate commitments contained within their alliance treaties, especially in areas related to security and foreign policy.⁴⁹ Such (sometimes unrealistic) expectations could foster intra-alliance tensions between supplier states and the allies with whom they refuse to share their nuclear technology. This appeared to be a concern for some in U.S. policy circles.⁵⁰ Lastly, brokering deals with allies increase recipient states' greater confidence that their suppliers will not renege on their commitments, because the spillover costs in terms of the states' strategic relations will be much higher. The decision by either the French or U.S. Governments to pullout of their nuclear deals could sorely damage their security relationships with the UAE and strategic interests in the Gulf region. Thus, the countries' strategic dependence upon the UAE provides Emirati policymakers with greater confidence in its suppliers' reliability.

The UAE's experience also demonstrates how the structure of the NSG can play to a potential recipient state's advantage in courting foreign suppliers. Individual NSG members have the ultimate say in whether or not they will share their technology, meaning that the regime is only as strong as the resolve of its most willing exporter. A single state can undercut the rest of the NSG countries' efforts to restrict the export of nuclear technology to a particular recipient. Once at least one NSG member has signaled its willingness to supply a recipient, the rest of the NSG's member states have significantly diminished incentives to refuse to supply it. For a state seeking to acquire foreign nuclear assistance, the courtship of its first willing supplier can be a crucial milestone, after which courting further potential suppliers may become much easier. By securing the cooperation of France first, the UAE made the task of securing subsequent agreements much easier.

Following up on this point, the UAE strategy also demonstrates why it is in the interest of supplier states to negotiate nuclear cooperation agreements with numerous states. Having multiple channels for acquiring nuclear materials and technologies will reduce a country's dependence upon any single supplier, mitigating the leverage that any supplier state can wield through threatening to cutoff its assistance. Access to multiple supplier states also allows for supply-side competition in the contracts that recipient states are able to negotiate. The more competition that exists amongst potential suppliers, the more options recipient states will have in selecting the most advanced, cost-effective technologies and the lower the prices they will be able to negotiate.

The UAE's promotion of the lucrative contracts it sought also strongly sug-

gests that both direct and indirect commercial incentives can be used to influence supplier states' decision-making. Nuclear power plants are capital intensive and require high up-front costs. Such projects are often beset by delays and frequently go over budget. For example, the Olkiluoto Nuclear Power Plant being built by the French company AREVA in Finland is years behind schedule and billions of dollars over budget.⁵¹ Countries that are not reliant upon foreign financing for the purchase of their nuclear plants and that have substantial cash reserves may make more attractive partners states than cash-strapped governments. While possessing substantial oil reserves may be a liability for justifying what a nuclear program is sought, the wealth they generate and diplomatic bargaining chips they constitute may provide oil-rich countries with substantial advantages in acquiring nuclear programs. The experience of UAE, Qatar, and Saudi Arabia with France suggest that states possessing oil may be particularly advantaged in brokering deals with less proliferation-conscious nuclear suppliers. Finally, the UAE case demonstrates how shrewd lobbying can be used to manipulate the domestic debates within supplier states regarding such deals, especially if they are allied with supplier states' own commercial constituencies. Emirati policymakers used the potential commercial incentives offered by the nuclear assistance package they sought to override lingering security concerns in the United States about providing the UAE with nuclear assistance.

Lastly, the UAE's strategy demonstrates the potential benefits for countries willing to make tradeoffs in terms of their sovereignty over their nuclear programs in return for foreign assistance. By consulting with major nuclear suppliers at the onset of their nuclear program and committing itself to set the "gold standard" in terms of its nonproliferation commitments, the UAE assuaged the concerns of many within the nonproliferation community that otherwise might have objected to such a deal. Making such overwhelming commitments in the areas it did also led many to overlook the country's proliferation weaknesses, like its still-nascent export control system and its robust commercial linkages with Iran.⁵² This suggests that states can compensate for potential proliferation concerns in some areas by making stronger commitments in others. In particular, the UAE's renunciation of its pursuit of a full nuclear fuel cycle had a strong effect on how the nuclear supplier community viewed the proliferation risks of providing the country with nuclear assistance. Now that the UAE has set this precedent, other states may also benefit from it in terms of justifying why they should similarly granted foreign nuclear assistance if they are willing to make the same suite of commitments that the UAE did.

Conclusions

The UAE's success in acquiring foreign nuclear assistance could be the harbinger of a mass and potentially rapid effort by Arab states to acquire civil nuclear energy programs. Currently, 13 Middle Eastern states have expressed an interest in nuclear power. The UAE's approach towards obtaining foreign nuclear assistance presents a prototypical model for these states, demonstrating a suite of strategies that can be employed to facilitate in their efforts. As well, supplier states may view the unprecedented consultation and nonproliferation commitments made by the UAE as constituting the new standard to which they would like to hold fu-

ture recipients of nuclear assistance in the Arab region. The “gold standard” set by the UAE may thus be used by states to leverage foreign nuclear assistance and as a tool by suppliers to deny assistance to states that refuse to make such commitments. As such, the UAE’s strategies may have a profound effect on the proliferation of civilian nuclear energy throughout the region.

The UAE’s success in acquiring foreign nuclear assistance drew upon the country’s existing portfolio of strategic alliances and economic resources, but also required a significant degree of political acumen to achieve. The Emirati Government consulted and addressed the major concerns of the international nonproliferation community, leveraged its bilateral alliance relationships with two of the world’s leading nuclear suppliers, and coordinated its efforts with the commercial constituencies in suppliers that would benefit from providing it with nuclear assistance. While each of these strategies could enhance a country’s ability to obtain foreign nuclear assistance in isolation, the UAE’s success appears to have been based on its efforts in all three areas. In particular, the UAE Government’s willingness to forsake the development of a full nuclear fuel cycle in clinching the support of the nonproliferation community and individual suppliers like the United States.

The future development of nuclear energy in the Middle East will depend largely upon the willingness of nuclear supplier states to share their technology. The rhetoric surrounding the UAE’s nuclear deal suggests that supplier states will try to hold Arab countries to the higher nonproliferation standards set by the UAE in subsequent deals. Though this might not be fair according to the NPT’s tenants, such may be the terms that Arab states are forced to accept if they want foreign assistance. The UAE case suggests that Arab countries seeking foreign nuclear assistance should especially focus on leveraging their alliance relationships with nuclear supplier states and seek closer relationships with countries, like France, that view nuclear assistance as diplomatic tool. Getting the first supplier to commit will likely be the most difficult obstacle, but subsequent negotiations with other suppliers will likely proceed more easily. Lastly, the UAE case suggests that oil-rich Arab countries will be advantaged in seeking foreign nuclear assistance due to their wealth and ability to use oil-concessions as a bargaining chip.⁵³ Depending upon how successfully the UAE’s nuclear proceeds, this implies that fellow GCC states will be well-positioned to obtain similar assistance from nuclear suppliers if they are willing make the same package of commitments and concessions that the UAE did.

Now that it has overcome the obstacles of achieving foreign assistance for its nuclear program, the UAE faces new challenges in bringing the program online at the breakneck pace it has set. As well, the new laws and institutions it has created to monitor, manage, and protect its civil nuclear program need time to be fully and effectively implemented. With so much of the expertise needed to construct, operate, and regulate its nuclear program coming from foreign contractors, the UAE will also face difficulties in indigenizing it.⁵⁴ The ability of the UAE’s nuclear regulatory regimes to keep pace with the construction of the UAE’s nuclear infrastructure may profoundly affect the program’s success. The degree to which the UAE lives up to its nonproliferation commitments and the success it has in moving forward with its nuclear program will likely have a broad impact on the ability of its fellow Arab states to follow in its wake.

The UAE’s success in acquiring foreign nuclear assistance drew upon the country’s existing portfolio of strategic alliances and economic resources, but also required a significant degree of political acumen to achieve.

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(Endnotes)

- 1 United Arab Emirates, 2008.
- 2 See Bakr (2009) and Blanchard and Kerr (2009: 3) for more predictions about the UAE nuclear program's timeline.
- 3 An assessment made by George Perkovich in 2008 predicts that it would likely take around 15 years from a Gulf state's decision to order its first nuclear reactor until the time when it would come online. See Perkovich, 2008: 229.
- 4 Milhollin and Motz, 2004; Cirincione, 2009.
- 5 Dinmore, 2007; Blanchard and Kerr, 2009: 11.
- 6 For example, see: Nunn and Cohen, 2009.
- 7 Bin Zayed Al Nahyan, 2008.
- 8 Eisenhower, 1953.
- 9 Fuhrmann, 2009b.
- 10 Though UNSCR 1540 mandates all countries to impose dual-use export controls, significant variation exists in the degree to which countries have fulfilled this obligation. For more on export controls and UNSCR 1540, see: Beck et al., 2003; Bergenäs, 2008.
- 11 For more on the NSG, see: "The Nuclear Nonproliferation Treaty (NPT) at a Glance," 2006.
- 12 For more on the NSG, see: "The Nuclear Suppliers Group (NSG) at a Glance," 2006.
- 13 For a broader discussion of this, see: Fuhrmann, 2009a; Kroenig, 2009.
- 14 For an example, see: Cohen and Nunn, 2009.
- 15 The UAE Government signed memorandums of understanding concerning civilian nuclear cooperation with the United Kingdom in May of 2008 and Japan in January of 2009. President Barak Obama submitted the U.S.-UAE nuclear cooperation agreement (a.k.a., the 123 Agreement) to Congress for approval on May 20, 2009.
- 16 Albright and Hinderstein (2005: 120) found that the Khan proliferation network "depended on complicated transportation arrangements, mainly to confuse suppliers about the true end use of the item and to evade prying intelligence agencies or deceive them about the final destination for its products. The international free zone in Dubai, through which shipments are still subject to few meaningful controls, was particularly critical to the network." Also see, Corera, 2006.
- 17 Corera, 2006: 118
- 18 See: Swibel, 2004; Milhoun, 2004.
- 19 Sanati, 2008.
- 20 Cirincione, 2009.
- 21 The text of the UAE's Federal Law No. 13 of 2007, as amended by Federal Decree No. 12 of 2008 is available in Arabic at the UAE Ministry of Justice's website at: <http://www.elaws.gov.ae/EnLegislations.aspx>. The analysis of the law relies upon an unofficial English translation of the law obtained by the author in-country.
- 22 "UAE Enhances Federal Export Law," 2009.
- 23 At the time of writing, the UAE Government had yet to have even posted an English-translation of its export control law and the list of dual-use goods it has placed restrictions on.
- 24 These figures were reported in Solomon and Coker (2009).

- 25 This insight was garnered from interviews conducted within the UAE in May 2009.
- 26 See Fuhrmann, 2009a: 187-188.
- 27 Cohen, 1998.
- 28 For a broader discussion of France’s nuclear diplomacy, see: Schneider, 2009. For a specific analysis of the assistance France has provided to the UAE, see: Tertrais, 2009.
- 29 See Fuhrmann (2008) for a brief discussion of “oil for nukes” deals.
- 30 “UAE and France Sign...,” 2008; Reynolds, 2008.
- 31 “The Influence Game...,” 2009.
- 32 Cohen and Nunn (2009) discuss the strategic incentives of the United States in signing the 123 Agreement.
- 33 Janardhan, 2009.
- 34 UAE, 2008.
- 35 Solomon and Coker, 2009.
- 36 United Arab Emirates, 2009.
- 37 United Arab Emirates, 2008: 4.
- 38 “UAE, Nuclear Suppliers Group Discuss Trade Rules,” 2009.
- 39 For more on UAE’s approach towards addressing supplier states’ nonproliferation concerns, see: bin Zayed Al Nahyan, 2008.
- 40 Fitzpatrick (2009) makes this argument in greater length and detail.
- 41 United Arab Emirates, 2008: 9.
- 42 The UAE’s leadership self-consciously acknowledges this point, see: bin Zayed Al Nahyan, 2008.
- 43 Solomon and Cocker, 2009.
- 44 Zaywa Projects, 2009.
- 45 The two lobbying firms hired by the UAE Government are Akin Gump and DLA Piper. See: “The Influence Game...,” 2009.
- 46 “The Influence Game...,” 2009.
- 47 This statement inaccurately suggests that the UAE is seeking 40,000 megawatts of nuclear energy. In reality, the UAE’s nuclear whitepaper only indicates that the country’s total demand for electricity in 2020 will reach 40,000 megawatts, of which it seeks to nuclear energy to provide a proportional amount. See: UAE, 2008.
- 48 U.S.-U.A.E. Business Council, 2009: 5.
- 49 Glenn Snyder explains that alliances have a “halo effect” that produces expectations that mutual cooperation should extend beyond immediate obligations of alliance agreements: “Having tied their fates together on the most crucial issue—survival—it is only natural that the partners come to feel they ought to give each other mutual support on lesser issues, most especially those that relate somehow to the ultimate military contingency” (Snyder, 1997: 356).
- 50 See: Cohen and Nunn 2009.
- 51 Schneider: 2008.
- 52 See: Cirincione 2009.
- 53 See Fuhrmann, 2008.
- 54 Horner, 2009.

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