



The Bush Administration's Forward Strategy For Nonproliferation

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During the recent Presidential debate, there was a great deal of discussion about the efforts of his Administration to tackle the problems of the proliferation of nuclear technology, and the grave threat posed by weapons of mass destruction (WMD) in the hands of terrorists. The two minutes for answering questions, of course, does not give anyone sufficient time to fully detail the enormous strides President Bush has made to reinvent the nonproliferation regime he inherited. Methodically, piece-by-piece, the Bush Administration is crafting policies to fill gaping holes, reinforcing earlier patchwork fixes, assembling allies, creating precedents, setting new limits, and changing perceived realities and stilted legal thinking. The President deserves much praise for taking these indispensable actions to reverse our slide into helpless gridlock and inaction in dealing with the threats posed by those who would flout international treaties and domestic laws or find loopholes to evade.

"Forward" Policy on Proliferation

On February 11, at the National Defense University, President Bush gave what is arguably one of the most "wonkish" speeches ever delivered by a U.S. President. I liked it. He detailed a number of proposals that made clear the Administration's overarching approach: the frontlines in our nonproliferation strategy must extend beyond the well-known rogue states to the trade routes and entities that are engaged in supplying the countries of greatest proliferation concern. This is a "forward" policy, which is most properly described, not as "nonproliferation," but as "counterproliferation."

Most regimes and organizations aspiring to develop their WMD and missile capability are still dependent on outside suppliers and technology. To thwart their ability to purchase the technology required to advance these programs, we are employing a number of tools including credible efforts to help other states enforce export controls, sanctioning of companies dealing in this deadly trade, employment of scientists and others with the intellectual capacity to develop WMD and missile programs, and interdiction of WMD-related shipments before they get to their final destination. We aim to slow down and even stop weapons development plans by disrupting their procurement efforts, denying proliferators the ability to obtain the intellectual capital, and creating disincentives by raising the costs on suppliers and shippers that get involved in this deadly trade.

Over the past decade, proliferators have employed increasingly sophisticated and aggressive measures to obtain WMD or missile-related materials. Recent events, such as the unraveling of the A.Q. Khan network and the elimination of the Libyan WMD program brought to public light the dangers posed by this deadly trade that was occurring unseen under the noses of many governments around the world. Proliferators rely heavily on the use of front companies and illicit arms brokers in their quest for arms, equipment, sensitive technology, and dual-use goods for their WMD programs. These front companies and brokers are expert at concealing the intended destination of an item and in making an illicit export appear legitimate--in essence hiding the export in the open. Proliferators take other measures to circumvent national export controls, such as falsifying documentation, providing false information about the actual end-use of items, and trading through countries with the least sophisticated laws and enforcement capacities.

The Proliferation Security Initiative

In 2002, the President released his National Strategy to Combat WMD, which contained the seeds of the Proliferation Security Initiative, or PSI. The strategy emphasized enhancing the capabilities of our military, intelligence, technical, and law enforcement assets to prevent the movement of WMD materials and technology to hostile states and terrorist organizations. President Bush has made it clear that the long-term objective of the United States is to create a web of counterproliferation partnerships through which proliferators will have difficulty carrying out their trade in WMD and missile-related technology.

The President announced PSI in May of 2003. Just one year later 60 countries gathered in Krakow, Poland to mark the PSI's one-year anniversary. PSI is one of the Bush Administration's most prominent innovations. It is a muscular enhancement of our ability collectively to halt trafficking in WMD components. In developing PSI, our main goal has been a simple one--to create the basis for practical cooperation among states to interdict WMD-related shipments. We often say, "PSI is an activity, not an organization." This is not hard to understand, but is unusual. PSI is not diverted by disputes about candidacies for Director General, agency budgets, agendas for meetings, and the like. Instead, PSI is entirely voluntary, relying primarily on the activities of intelligence, military, and law-enforcement agencies. PSI reflects the reality that, even as we continue to support and strengthen the existing nonproliferation regimes, proliferators and those facilitating the procurement of deadly capabilities are circumventing existing laws, treaties, and controls against WMD proliferation. Through PSI, we create the basis for action to ensure that we can stop proliferators in their tracks.

When PSI first emerged, it was criticized inaccurately as an initiative with a shaky legal underpinning. There is in national legal systems and relevant international authorities ample authority to support interdiction actions at sea, in the air, and on land. States around the world have concurred with this fact and made political commitments to the PSI Statement of Interdiction Principles. Importantly, the unanimous passage of UN Security Council Resolution (UNSC) 1540 establishes clear international acknowledgement that active cooperation among states, such as PSI, is both useful and necessary. Paragraph 10 of the Resolution where the UNSC calls upon all states to "take cooperative action to prevent illicit trafficking in nuclear, chemical, and biological weapons, their means of delivery and related materials."

Despite PSI's infancy, there already have been notable successes. In October, 2003, the BBC China was intercepted loaded with nuclear components for Libya. The interdiction helped convince Qadhafi that the days of his undisturbed accumulation of the instruments of destruction were over. This early successful interdiction, in cooperation with the United Kingdom, Germany, and Italy, is a textbook case study of how PSI can have broad impact on curbing the spread of WMD.

This interdiction also helped unravel the A.Q. Khan nuclear black-market network. Our citizens now understand the stunningly extensive nature of Khan's trafficking in nuclear technology and materials. These revelations, combined with invaluable information from Libya's program, have knocked the legs out from under an especially insidious international black market in nuclear weapons. Overlooked, however, is the Administration's success in persuading Pakistan's leaders to take active measures to interrupt the proliferation of nuclear materials and assistance that has metastasized unchecked through the Khan network for many years. We're now in the process of unraveling that network, although much work remains to be done, in Pakistan and elsewhere.

We are engaged in a range of activities to strengthen our operational capacity to carry out interdictions. In the past 12 months, we and our partners held 11 training exercises on air, land and sea. Last month, the Naval War College in Newport, RI hosted a successful week-long series of table top exercises to test the legal limits of our ability to interdict. The next exercise will be in the Pacific outside of Tokyo Bay in Japan later this month, where more than 15 countries will work together to improve our capacity to interdict items transshipped through Asian ports. The threats posed by proliferation from North Korea in the Asian region are obvious. In addition to training, these exercises serve a useful deterrent to companies that otherwise might be tempted to do business with proliferators like North Korea.

To facilitate interdictions, we also have a targeted effort to obtain bilateral agreements to facilitate the boarding of ships suspected of carrying WMD. The United States has signed agreements with the two largest flag registries: Liberia and Panama. We also recently signed with the Marshall Islands and have some 20 other negotiations on-going. Finally, we are developing PSI to include coordinated law enforcement efforts to shut down the facilitators and financiers of proliferation.

The Global Partnership

Another important Administration initiative is the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, launched by the Leaders of the G-8 at the Kananaskis Summit in June, 2002. Here again, the U.S.-led initiative relies on the commitments of sovereign states acting separately and in concert to eliminate and secure sensitive materials. Like PSI, the Global Partnership is an activity, not an organization. The G-8 Leaders pledged to raise \$20 billion over ten years for projects to prevent dangerous weapons and materials from falling into the wrong hands.

The United States will contribute half of this total--\$10 billion--the majority for projects under the Nunn-Lugar Cooperative Threat Reduction program. Over the past two years 13 additional countries have joined the Global Partnership and added their resources.

The United States has nonproliferation projects underway not only in Russia but in Ukraine, Kazakhstan, Uzbekistan, Georgia, and other FSU states, as do other Global Partnership countries.

The United States has recently begun assistance in Iraq and Libya. We are encouraging our partners to undertake their own projects in such states worldwide and at Sea Island the G-8 agreed to use the Global Partnership to coordinate our activities in these areas.

Sanctions

Economic penalties or sanctions are an essential tool in a comprehensive nonproliferation strategy. Prior to September 11, there was great debate as to whether nonproliferation sanctions that were not "multilateral" should be imposed at all. The imposition or even the mere threat of sanctions by sovereign states can be a powerful lever for changing behavior, as few countries wish to be labeled publicly by the United States as irresponsible. Sanctions also increase the costs to suppliers, encourage foreign governments to adopt more responsible nonproliferation practices, and ensure that entities within their borders do not contribute to WMD programs. These levers are important tools in the world's aggressive campaign to combat proliferation.

The Bush Administration imposed WMD-related sanctions 26 times last year, 34 the year before that and has already done so 28 times this year. That's an average of about 32 per year since we got rolling in 2002. Compared with the average number of nonproliferation sanctions passed per year during the last Administration, we have more than tripled the rate of sanctions actions; demonstrating that this President is very serious about using sanctions as a nonproliferation tool. We have imposed measures under the Iran Nonproliferation Act, the Iran-Iraq Act, the Chemical and Biological Weapons Sanctions Law, the Missile Sanctions Law, and Executive Order 12938. With sanctions recently imposed against companies from Russia, Belarus, China, Ukraine, North Korea, India, and Spain, it is clear that we are not just increasing the numbers but also looking for proliferation wherever it exists.

Our perspective on sanctions is clear and simple. Companies around the world have a choice: trade in WMD materials with proliferators, or have normal trade with the United States, but not both. Where national controls fail, and when companies make the wrong choice, there will be consequences. U.S. law is clear, and we are committed to enforcing these laws to their fullest extent.

New International Mandate

The President also led the Security Council to acknowledge for the first time that proliferation of WMD is a threat to international peace and security. The Administration worked over the course of

eight months to craft what became the unanimously adopted Security Council Resolution 1540, which achieved all of the goals set out by the President. The crux of UNSCR 1540 requires states to monitor and control sensitive technologies, materials, and equipment that exist in or transit their territories, in particular to prevent terrorists from acquiring such items.

While not a proliferation panacea, development of UNSCR 1540 makes strong national controls and enforcement a requirement rather than an option. Rather than engaging in protracted, multiyear treaty negotiations, the Security Council responded relatively quickly to lay out some basic requirements to address the threat to international peace and security posed by the proliferation of weapons of mass destruction. It places a premium on establishment of legal and regulatory measures at the national level, seeking to build capacity from the bottom up rather than attempting to craft additional, top-down bureaucracy.

More To Be Done--The G-8 Sea Island Summit and Beyond

Even with all that has been done, much more remains, as the Administration is the first to point out. The President laid out an agenda listing several areas in which additional action is urgently needed, including addressing the proliferation problems inherent in countries seeking to acquire the complete nuclear fuel cycle and the need for expanded export controls worldwide. At the G-8 Summit at Sea Island last June, the G-8 Leaders endorsed the President's agenda. In an Action Plan on Nonproliferation, the Leaders agreed upon a number of steps, such as strengthening the PSI and the Global Partnership, and addressed and further elaborated upon each of the President's proposals. In particular, G-8 Leaders committed to work together to address the threat posed by the DPRK and by Iran.

North Korea and Iran

Libya is a powerful precedent that a state can surrender WMD without a regime change. This message puts in stark relief the obfuscation of the North Korean and Iranian governments in the face of international pressure to come clean and give up their nuclear programs. While we are working diplomatically on both fronts to keep the pressure on--with Six Party Talks in the North Korean context and the International Atomic Energy Agency investigation in the Iranian context--our ultimate objective is to ensure these programs do not come to full fruition.

We cannot let Iran, a leading sponsor of international terrorism, acquire nuclear weapons and the means to deliver them to Europe, central Asia and the Middle East, and beyond. Without serious, concerted, immediate intervention by the international community, Iran will proceed down that road. While we work to bring this issue to the UN Security Council, we are simultaneously pursuing other measures to bring a halt to Iran's pursuit of nuclear weapons, including PSI efforts, worldwide diplomatic efforts including with Russia, the supplier of Iran's Bushehr reactor, and improved enforcement against exports to Iran.

With North Korea, the approach is different again. Sadly, the leader of North Korea has not made that strategic choice to move away from the destructive legacies of the past and place his people first. He still fails to recognize what Libya determined--that his pursuit of weapons of mass destruction makes North Korea less, not more secure. We have a framework for negotiations with the DPRK in place--the Six-Party Talks. While the Six-Party Talks are a means to an end, we still believe it is the best venue at this time to realize the shared goal of all countries participating--namely--a Korean Peninsula permanently free of nuclear weapons. Some have accused the Bush Administration of ignoring the North Korean nuclear issue, allowing it to fester given our refusal to engage in direct, bilateral negotiations. This criticism is off the mark. The U.S. Government has tried the bilateral route and it failed--it was called the Agreed Framework of 1994. Contrary to what critics of the Bush Administration suggest, the Agreed Framework did not resolve the issue, it simply papered over it--and ultimately made it worse.

We have a saying: "Fool me once, shame on you, fool me twice, shame on me." We will not be fooled again. It would be the height of irresponsibility for the Bush Administration to negotiate a band-aid solution and leave the problem to some future administration when North Korea again decided to flip a switch and unfreeze its programs. We are interested in a lasting and meaningful

solution to the threat posed by North Korea's nuclear weapons program. This was the fundamental failing of the 1994 Agreed Framework and it will not be replicated by the Bush Administration--either in this term, or in our next.

Conclusion

The Bush Administration is making up for decades of stillborn plans, wishful thinking, and irresponsible passivity. After many years of hand wringing with the vague hope to find shelter from gathering threats, we are now acting decisively. We will no longer accept being dispirited by difficult problems that have no immediate answer.

President Bush has begun to lay the foundation for a comprehensive, root-and-branch approach to the mortal danger of the proliferating instruments of destruction. Let there be no doubt that this Administration is determined to use every resource at its disposal to stem WMD proliferation. We use diplomacy regularly, economic pressure, active law enforcement, and, when we must, military force. As President Bush said in his speech to the National Defense University: "There is a consensus among nations that proliferation cannot be tolerated. Yet this consensus means little unless it is translated into action. Every civilized nation has a stake in preventing the spread of weapons of mass destruction." We are only at the beginning, but it is an extraordinary beginning. We are now not only meeting this ultimate of threats on the field, but we are advancing on it--battling not only aggressively, but successfully. For the outcome of this battle may be nothing less than the chance to survive.

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