



## **Nuclear Nonproliferation in the 21st Century: Will Multilateral Diplomacy Work?**

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Address to the Danish Institute for International Studies  
Copenhagen, Denmark  
August 26, 2005

I want to thank the Danish Institute for International Studies for putting together this conference and for the invitation to speak.

The subject matter of the conference -- the future of nuclear nonproliferation efforts -- is of course a priority for me and the Bureau I head, but it also a key priority of the Bush Administration. As you know, the United States is sometimes accused of being unilateral or even too bilateral in its diplomacy. I don't think that is true, but in the field of compliance and nonproliferation I know it not to be true. The United States understands that its nonproliferation goals can best be met with a strong multilateral consensus. The nuclear nonproliferation regime has long been a key to promoting stability in the nuclear field.

But despite our strong support of this regime, along with the support of most other NPT [Treaty on the Non-Proliferation of Nuclear Weapons] countries, at least four NPT non-nuclear member countries were or are using the NPT as cover for the development of nuclear weapons. States like Iran are actively violating their treaty obligations, and have gained access to technologies and materials for their nuclear weapons programs. North Korea violated its NPT obligations, withdrew from the Treaty and announced it possessed nuclear weapons. Two states in the past -- Iraq and Libya -- had also violated the NPT. Libya took the important decision to disclose and eliminate its weapons of mass destruction programs, a paradigm that other nations now seeking nuclear weapons should emulate.

There is a crisis of NPT noncompliance, and the challenge before us is to devise ways to ensure full compliance with the Treaty's nonproliferation objectives. Without such compliance by all members, confidence in the security benefits derived from the NPT will erode.

### **COMPLIANCE DETERMINATIONS**

Before I go further, there is the fundamental question of how compliance determinations are made. I suspect there are some that question whether the U.S. makes such determinations based on our dislike of certain regimes. Nothing could be further from the truth.

I will say that making a determination as to when another state is in violation of its international obligations is not a simple matter. The process is time-consuming, rigorous and systematic. However, as a State Party we rest our safety and security in part upon other countries' compliance with nonproliferation and arms control commitments. Therefore, the compliance assessment process is a key component of our national security and should be for all other States Parties as well.

The U.S. process of reaching noncompliance judgments is grounded in U.S. law. The U.S. Congress has established specific institutions -- my Bureau, most notably -- to ensure that the compliance assessment process is rigorous, systematic and objective.

I am often asked if the U.S. demands "perfect" verification. The answer is, of course, NO. There is no such thing as perfect verification. The term "effectively verifiable" does not, and should not be taken, to mean that there is, or can ever be, certainty that a violation will be detected. This phrase indicates the aspiration to achieve reasonable confidence -- under the circumstances -- that detection of noncompliance will occur in time for appropriate responses to be undertaken.

International organizations and mechanisms such as the IAEA [International Atomic Energy Agency] Technical Secretariats and their executive organs can provide useful and essential input to nations for their consideration in making these assessments. They can provide useful fora for sharing other information, for sharing judgments and for deliberating response options. But, international organizations are not parties to agreements, and do not make compliance judgments absent a collective decision by their member states. States are parties to agreements. Through their national compliance assessments, states are ultimately responsible for evaluating the compliance of other States Parties.

It is a common misperception that a combination of international data declarations, international cooperative measures (including technical measures) and on-site inspection regimes by themselves will be sufficient for detecting noncompliance. In fact, data declarations, cooperative measures and on-site inspections can provide useful and often invaluable information. They are useful tools for investigating indications of non-compliance -- as we've seen the IAEA do in Iran, for example -- and they are useful tools for detecting inadvertent violations. However, inspections provide information according to the agreed access and collection capabilities negotiated by the parties, and only provide such information as is available at the specific time and place of the inspection. Even cooperative measures, such as remote cameras and seals for continuous monitoring -- while quite powerful -- are limited to the locations where they are employed.

If, however, prohibited activities take place outside of declared locations or times, the contribution of inspections to verification of compliance is severely limited.

Inspections can be an important means of assuring states that an agreement is operating as anticipated. However, we must never lose sight of the fundamental truth of all inspections -- the absence of evidence is not necessarily evidence of absence. Time and again, determined cheaters have proven capable of evading inspectors.

Ultimately, a finding of noncompliance is a judgment that rests on all factual information available from both international or bilateral inspection regimes and Nation Means and Methods and upon an appreciation of a State's policy intentions as demonstrated through its historical behavior, statements by its leaders, and its international relations.

### **Rights and Obligations Under The NPT**

The NPT has at its core a fundamental bargain -- the nuclear weapons states agree that non-nuclear weapons states may have access to technology and nonnuclear weapons states agree to forgo the development of nuclear weapons.

Article IV contains the essence of this bargain in two very important provisions. The first provision states, "nothing in this Treaty shall be interpreted as affecting the inalienable right" of States Parties to pursue the use of nuclear energy "for peaceful purposes" and "in conformity with articles I and II of the Treaty." Thus, States Party to the Treaty accept the condition that their nuclear activities must comply with Articles I and II of the Treaty. The second provision is Paragraph 2 of Article IV, which calls upon all parties to the treaty to facilitate the "fullest possible exchange of equipment, materials and scientific and technological information" on peaceful uses of nuclear energy. These provisions make it clear that any right to receive benefits under Article IV is also conditioned upon the fulfillment of the Treaty's nonproliferation obligations.

### **U.S. Support of Nuclear Cooperation**

For those who would argue that the U.S. is trying to affect the inalienable rights of States Parties, I would remind them that without U.S. financial support many countries could not continue with their peaceful nuclear aspirations. The U.S. supports fully the IAEA technical cooperation and its programs, including ironically enough, support of Iran's nuclear program. So the next time someone accuses the U.S. of trying to stop countries from gaining peaceful nuclear technology I would urge you to remind them, that without U.S. financial support they would, in all likelihood, not have any such program.

Indeed, consistent with its NPT Article IV obligations, the United States has for many years granted preference to NPT parties with exemplary commitments to nuclear nonproliferation when considering U.S. assistance to foreign nuclear programs. The United States aids nuclear programs through the IAEA by providing a voluntary financial contribution and certain "in-kind" assistance. This assistance supports many IAEA programs that benefit developing countries, which comprise the majority of NPT parties. Among such projects are nuclear applications in the fields of water resources and environmental pollution, nutrition and agriculture, and human health. The U.S. cash contribution for IAEA technical assistance projects typically provides approximately 1/3 of the total available resources.

### **Presidential Proposals**

The proof that the United States cares about the future of the nonproliferation regime, is in the series of proposals from President Bush aimed at strengthening compliance with the obligations we all undertook when we signed the Treaty. These proposals address a fundamental problem that has allowed nations like Iran and North Korea to exploit the benefits of NPT membership to develop their nuclear weapons programs. We are determined to stop rogue states from gaining nuclear weapons under cover of supposed peaceful nuclear technology.

President Bush proposed an action plan to prevent further nuclear proliferation. This plan includes seven specific initiatives, including the need to criminalize proliferation-related activities. In response, the UN Security Council adopted Resolution 1540, which requires states to: criminalize proliferation of weapons of mass destruction and their means of delivery by non-state actors; enact and enforce effective export controls; and secure proliferation-sensitive equipment. This is an essential step in reducing the dangers of illicit proliferation networks and of terrorist efforts to acquire weapons of mass destruction.

The United States continues to work with others to advance other elements of the President's action plan, and I would note in this regard the important creation of a Special Committee on Safeguards and Verification at the IAEA Board of Governors. In addition the President has proposed further reforms including:

- Universalizing adherence to the Additional Protocol and making it a condition of nuclear supply, which will strengthen the means to verify NPT compliance;
- Restricting further the export of sensitive technologies, particularly the spread of enrichment and reprocessing technology, which will close a key loophole in the NPT;
- Strengthening the Proliferation Security Initiative to intercept and prevent illicit shipments of weapons of mass destruction, their delivery systems, and related materials;
- Expanding the "Global Partnership" to eliminate and secure sensitive materials, including weapons of mass destruction, which broadens U.S. and Russian efforts aimed at cooperative threat reduction.

Although most of these activities call for action outside the formal framework of the NPT, they are grounded on the norms and principles of nuclear nonproliferation laid down by the Treaty. If adopted, they will each answer directly real threats to the vitality of the Treaty. Accordingly, we hope the deliberations at this Conference will lend political support to these initiatives, and we encourage all states participating in this Conference to join us in supporting these steps.

### **Conclusion**

U.S. support for the nuclear nonproliferation regime extends far beyond our determined efforts to enforce accepted nonproliferation norms. The benefits of peaceful nuclear cooperation comprise an important element of the regime. Through substantial funding and technical cooperation, the United States fully supports peaceful nuclear development in many states, bilaterally and through the IAEA. But this support is dependent on compliance of nonproliferation obligations. The language of Article IV of the NPT is explicit and unambiguous: states asserting their right to receive the benefits of peaceful nuclear development must be in compliance with the nonproliferation obligations they undertook when they signed the NPT. No state in violation of Articles I or II should receive the benefits of Article IV. All nuclear assistance to such a state, bilaterally or through the IAEA, should cease.

The United States is committed to a strong and effective nuclear non-proliferation regime. But the regime must be reformed to meet today's challenges. The irresponsible handful of nations not living up to their Treaty commitments are undermining the NPT's mission. Without full compliance confidence in the regime as a nonproliferation instrument erodes. What will eventually result is a world with an ever-growing number of states possessing nuclear weapons, where terrorists and rogue states would have expanded access to nuclear technology and expertise. In such a world, the risk of catastrophic attacks against civilized nations would be far greater.

