



## Toward a Policy of Zero Tolerance for Violations of Nonproliferation Treaties

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Over the past 15 years we have witnessed a growing international consensus over the need to combat the proliferation of weapons of mass destruction (WMD), as well as missiles capable of delivering such weapons. President Bush succinctly described the threat we face in a speech last year at the National Defense University in Washington. He observed:

In the Cold War, Americans lived under the threat of weapons of mass destruction, but believed that deterrents made those weapons a last resort. What has changed in the 21<sup>st</sup> century is that, in the hands of terrorists, weapons of mass destruction would be a first resort -- the preferred means to further their ideology of suicide and random murder. These terrible weapons are becoming easier to acquire, build, hide, and transport. Armed with a single vial of a biological agent or a single nuclear weapon, small groups of fanatics, or failing states, could gain the power to threaten great nations, threaten the world peace. America, and the entire civilized world, will face this threat for decades to come. We must confront the danger with open eyes, and unbending purpose. I have made clear to all the policy of this nation: America will not permit terrorists and dangerous regimes to threaten us with the world's most deadly weapons.

Civilized nations cannot afford to remain passive in the face of this threat. Each of us must work at all levels to confront the danger -- at the national level, bilaterally with like-minded nations, and multilaterally.

Action at the national level is no longer just a good idea; it is a binding legal obligation under United Nations Security Council Resolution 1540. This resolution requires all UN member states to criminalize WMD proliferation, adopt and enforce effective export controls, and secure nuclear materials. It also mandates that states adopt laws designed to prevent the financing of proliferation. In the United States we have long had in place strict export controls intended to stop the proliferation of sensitive technologies, and we continue working to make those controls more effective. We have also begun to take steps consistent with Resolution 1540 to prevent the misuse of our banking system to help fund WMD proliferation. Executive Order 13382, issued by President Bush last June, authorizes the U.S. Government to freeze assets and block transactions of entities and persons engaged in proliferation activities and support to such activities. Currently 16 entities -- 11 from North Korea, four from Iran, and one from Syria -- have been designated under this Order, and we have seen evidence that it is having an impact on the ability of proliferators to pursue their deadly trade.

At the bilateral level, the United States has been working for years with other governments to improve their ability to implement the types of controls now required by Security Council Resolution 1540, to stop shipments of concern, and to protect dangerous materials. Our experts have worked with foreign governments, including China and India, to help them develop and strengthen their export controls. Through our Export Control and Related Border Security assistance program we spend about \$40 million dollars every year in over 40 countries training customs officials and giving them the equipment they need to do their job. We routinely exchange information with friendly governments about suspect shipments and cooperate bilaterally to stop such shipments.

Beginning in 1991, just after the collapse of the Soviet Union, we established the Cooperative Threat Reduction program at the instigation of Senators Richard Lugar and Sam Nunn. Under this and related programs, we work bilaterally with Russia and other states of the former Soviet Union to secure and eliminate nuclear, chemical and biological weapons-related facilities and materials. In addition, we seek to redirect scientists and scientific enterprises previously involved in such weapons activities into civilian pursuits. Today the United States is spending over \$1 billion per year on these programs, and we have expanded them beyond the former Soviet Union to the Balkans and such countries as Iraq and Libya.

Finally, we also are working multilaterally to combat WMD proliferation. Again, multilateral cooperation against proliferation is more than just good citizenship, it is a legal obligation. Operative paragraph 10 of Security Council Resolution 1540 "calls upon all states, in accordance with their national legal authorities and legislation, and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related material."

Consistent with the requirements of Resolution 1540, the United States works with 44 other member governments of the Nuclear Suppliers Group to prevent the export of agreed lists of sensitive nuclear items to end users who might divert such items to weapons purposes. We participate in similar multilateral suppliers groups with respect to other technologies of concern -- the Australia Group for chemical and biological weapons, the Missile Technology Control Regime for missiles, and the Wassenaar Arrangement for advanced conventional weapons and sensitive dual use technologies. These voluntary bodies promote awareness among suppliers of the need for strong national export controls on items that could, if misused, support proliferation. In addition, they establish a set of common export standards to which all participating governments agree to abide.

We have sought also to multilateralize the work that we began in the former Soviet Union in 1991 under the Cooperative Threat Reduction Program. In 2002, the G-8 established the Global Partnership Against the Threat of Weapons and Materials of Mass Destruction. Under this partnership, other nations have been challenged to match the \$1 billion per year that the United States is spending on threat reduction activities, with the goal of making a total of \$20 billion available for these purposes over a 10-year period.

One of the lessons we have drawn from experience, however, is that export control laws and threat reduction assistance programs are not enough by themselves to stop determined proliferators. That is why President Bush announced the Proliferation Security Initiative (PSI) two and a half years ago in Krakow, Poland. As Australian Foreign Minister Downer explained this morning, the PSI invites like-minded governments to put their diplomatic, military, law enforcement, and intelligence assets to work in a multinational, yet flexible, fashion to combat WMD proliferation. Over 70 states now support the PSI, and the number is steadily increasing. Participants are applying their existing legal authorities in innovative ways and cooperating as never before to interdict shipments, disrupt proliferation networks, and to hold accountable the front companies that support them. PSI is not a treaty-based approach. As a result, it imposes no legal obligations on the participating governments. There is no formal organization with a budget or a headquarters. Instead, it is a partnership designed to act proactively in enforcing national and international legal authorities to deter, disrupt, and prevent WMD and missile proliferation.

The PSI has achieved concrete results. As Secretary Rice noted on the second anniversary of the Initiative last May, in the previous nine months alone, the United States and ten of our fellow PSI partners quietly cooperated on 11 successful efforts. For example, PSI cooperation stopped the transshipment of material and equipment bound for ballistic missile programs in countries of concern. PSI partners also have worked with others to prevent one country from procuring goods to support a suspected nuclear weapons program, and to prevent another country from receiving equipment used to produce propellant for ballistic missiles.

Two years ago this kind of multinational cooperation led to the interdiction of the ship, BBC China, which was secretly transporting thousands of centrifuge components to Libya. The interdiction of the BBC China led to exposure of Libya's illegal nuclear weapons program, and ultimately to Libya's historic decision to dismantle that program, as well as its chemical weapons program. This interdiction also led to public exposure of the A.Q. Khan nuclear proliferation network, which in turn gave rise to an international effort involving, among others, the United Arab Emirates, South Africa, Malaysia, Turkey, and several European countries to break up the Khan network and take steps to ensure that similar networks can not operate in the future.

Last year the UN High Level Panel on Threats, Challenges and Change endorsed the PSI, stating "We believe that all States should be encouraged to join this voluntary initiative." UN Secretary-General Kofi Annan has also endorsed the PSI, stating last March at a conference in Madrid "I applaud the efforts of the Proliferation Security Initiative to fill a gap in our defenses."

Organizations like the United Nations, the ASEAN Regional Forum, and APEC can make valuable contributions to multilateral efforts to combat WMD proliferation. As just one example, I would cite the decision of the APEC economies to call for universal adherence by APEC members to the IAEA Additional Protocol by the end of 2005. That goal probably will be narrowly missed, but APEC's action contributed to the decision of a number of governments to adhere to the Protocol and therefore must be seen as a big success.

There are many additional opportunities in the ASEAN Regional Forum and APEC for actions that could help protect us all from the dangers of proliferation. Regrettably, at least for those of us who favor effective multilateralism, we spend altogether too much time and effort in these fora debating whether we are in the right forum for taking any proposed action. Instead of asking at each meeting "why are we doing this here?," we should instead be asking "why aren't we doing more here?"

It is important to recall that the WMD nonproliferation obligations I have been discussing are not an imposition by any one state or group of states. Rather, these obligations are established under international legal instruments to which the vast majority of the world's governments are party. The Nuclear Nonproliferation Treaty, the Chemical Weapons Convention, and the Biological Weapons Convention define the nonproliferation obligations of the parties to these treaties, and we all have a vital interest in their enforcement.

Our policy must be one of zero tolerance for violations of these nonproliferation treaties. We cannot allow rogue states that violate their commitments and defy the international community to undermine the fundamental role of these treaties in strengthening international security. We have faced Libyan, North Korean and Iranian noncompliance with their nuclear nonproliferation obligations, and addressed each with a targeted strategy.

Libya had a secret nuclear weapons program, but it made the strategic decision to renounce and transparently dismantle that program and return to full compliance with its NPT obligations. Libya is an example to us all of what it looks like when a government that was illegally pursuing weapons of mass destruction has a change of heart and decides to give up such weapons programs.

We expect the same of North Korea and Iran. We expect North Korea to implement fully and promptly the commitment it made in the September 19<sup>th</sup> Joint Statement to abandon its nuclear weapons and all nuclear programs, and we expect it to do so in a complete, verifiable, and irreversible manner.

Iran's clandestine nuclear program has stretched over two decades. As a result of Iran's pattern of deception and denial, lack of full cooperation with the IAEA, and pursuit of nuclear fuel cycle capabilities in defiance of the international community, the IAEA Board of Governors formally found Iran in noncompliance with its safeguards obligations on September 24<sup>th</sup>. The Board of Governors expressly stated that this decision must trigger a report to the United Nations Security Council. We will continue to urge Iran to make the strategic decision to abandon its nuclear weapons pursuits.

We all know it has become fashionable to criticize the United States for its alleged unilateralism in confronting the WMD threat. It should be obvious, however, that no country or group of countries would wish to confront this threat alone. Indeed, President Bush has emphasized that our policy is one of promoting "effective multilateralism" in the struggle against proliferation. I hope that in these remarks I have outlined some of the ways in which we are trying to make multilateralism effective, and have underscored the vital stake all of us have in the success of our collective efforts to confront the WMD threat.

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