



Weapons of Mass Destruction 101: Sovereign Responsibility

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I would like to take this opportunity to thank the Government of Japan and Ambassador Mine for hosting this timely seminar as States Parties to the Biological Weapons Convention (BWC) begin their preparations for the 2006 Review Conference later this year.

I am pleased to be able to speak to you today about the Bush Administration's approach to combating the threat posed by weapons of mass destruction, particularly our efforts to confront the biological weapons threat, and the role of the BWC in today's strategic environment.

Over the past 5 years there has been much criticism of the U.S. commitment to arms control and nonproliferation. With due respect to those who levy such charges against us, we think they are wrong. Times have changed, and therefore we must be prepared to part company with Cold War approaches to arms control. It has been over four years since the Bush Administration rejected the flawed draft BWC Protocol, yet many States Parties to the BWC still call for a return to negotiations on a Protocol or other form of a verification mechanism. I do not intend to recount for you the many reasons why the United States rejected the Protocol, or any verification mechanism for that matter for the BWC. However, I will simply note that the energy used to mount such appeals and the mixed messages those send to countries who really want to dilute or undermine the Convention only serve to distract us from confronting the challenges at hand with realistic solutions. The Bush Administration supports meaningful, dynamic and proactive strategies to confront proliferation, but we will not accept lowest common denominator approaches which will have little, if any, effect.

From the beginning, the Bush Administration made it a priority to outline, develop and implement a much needed innovative and comprehensive approach to contend with the proliferation of weapons of mass destruction. President Bush outlined this approach in December 2002 in the *National Strategy to Combat Weapons of Mass Destruction*. The strategy is comprised of three pillars -- counterproliferation, nonproliferation and consequence management. It underscores the urgency of preventing or disrupting proliferation to both rogue states and non-state actors and recognizes that a multi-faceted and multi-layered approach is essential. In order for the strategy to be effective, each of the three pillars must complement rather than compete with one another. The *National Strategy's* pillars are realized by drawing upon four sets of tools: intelligence collection and analysis; research and development; bilateral and multilateral cooperation; and tailored strategies against rogue states and terrorists. For our purposes here, I intend to focus on the multilateral strategies of the Bush Administration and how they inform our position with respect to the role of the BWC in today's strategic environment.

The Bush Administration's approach to effective multilateralism begins at home. It is quite simple, in fact, and is most adequately described as WMD 101. Just consider that when you declare a major at any college or university, you are required to begin with the introductory courses that provide you a basis for the advanced concepts that are discussed in upper level courses. Unless you build a strong foundation in the fundamentals of any discipline, you will fail the advanced courses. The same logic applies to the Bush Administration's strategy for combating weapons of mass destruction through multilateral initiatives or agreements. Unless a state has put in place the necessary legislative and regulatory controls at home, it cannot possibly contribute to effective multilateral action on the international level. A unifying theme of our approach to WMD issues, therefore, is promoting exercise of this sovereign responsibility of states to take all steps within their power to combat WMD proliferation. It is a simple bottom-up as opposed to top-down approach.

With respect to the BWC or any other international agreement for that matter, the very act of becoming a State Party involves undertaking legal obligations, and it is only each individual state that can uphold such obligations. For example, the United States cannot fulfill France's various treaty obligations -- only France can do so for herself. Can you imagine the rioting on the streets of Paris if the United States Congress passed legislation declaring that the United States was going to undertake responsibility for all French nonproliferation commitments and obligations, thus impinging all over French sovereignty? *Mon Dieu* -- I can't even imagine! Multilateral commitments are only as effective as the actions undertaken by states -- themselves -- to implement such commitments. Absent national "ownership," multilateral obligations are simply empty rhetoric. And, unfortunately, we know all too well that rhetoric does not make us any safer from the proliferation of weapons of mass destruction.

Let's stop for a minute and view these commitments in the context of the Biological Weapons Convention. I draw your attention to Article III of the Convention. Article III states:

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way assist, encourage, or induce any State, group of States or international organizations to manufacture, or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

It is clear from reading Article III that responsibility falls squarely on the shoulders of each State Party to put in place effective measures to prevent the proliferation of biological-weapons related material and equipment. Central to Article III is the obligation not to "indirectly" transfer or assist in the manufacture or acquisition of biological weapons-related material and equipment. This requirement is the crux of a state's obligation to implement and enforce, among other international instruments, effective export controls that will help prevent the deliberate or inadvertent transfer of dangerous materials to states or entities of concern. The BWC provides an important international normative benchmark, but it is not a substitute for concrete action on the part of each state.

To help close the existing gaps in export controls, the Bush Administration was at the forefront of enacting United Nations Security Council Resolution 1540. The unanimous passage of UNSCR 1540 illustrates the growing international consensus that effective multilateralism begins at home. Moreover, 1540 is significant because it marks only the second time in the history of the Security Council that Chapter VII authority was invoked to require states to act against a general, as opposed to specific threat to international peace and security. The essence of UNSCR1540 is the requirement for all states to criminalize WMD proliferation and institute effective export controls. Most striking is Operative Paragraph 3, which requires states to actually enforce such controls. It declares that "all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials..." and goes on to further state the methods by which states shall implement effective controls, including accounting of material, physical protection and implementation of

border controls and law enforcement mechanisms.

Let's turn our attention for a moment to the Proliferation Security Initiative (PSI) -- a multinational initiative that now counts more than 70 supporters. The PSI relies on the existing legal authorities of states to conduct activities to disrupt WMD-related trafficking and uses such authorities in innovative ways. As Secretary Rice noted in her remarks on the 2nd anniversary of the PSI, we are having success in cooperating to interdict shipments of proliferation concern. At the same time, it is important to stress that the PSI often works most successfully when it works quietly and without publicity. And while no one in the Bush Administration would claim that PSI has single handedly eradicated trafficking in WMD- related materials and equipment, it undoubtedly has made a big difference. Besides interdicting WMD-related shipments, another major contribution of the PSI is to empower states to want to act responsibly and to undertake their international commitments with a sense of purpose within the framework of the global security environment. States that subscribe to the PSI Statement of Principles participate routinely in cooperative training activities to enhance capacity and to recognize for themselves their strengths and weaknesses in an effort to close gaps. PSI recognizes that not all states can bring to bear the same assets, but that in concert with other PSI partners each state's capabilities make a valuable contribution.

I do not intend to suggest that the two aforementioned counterproliferation tools, UNSCR 1540 and PSI, are a panacea for the problems of proliferation. Rather, they are merely two illustrations of a number of tools and resources that must be pooled collectively to prevent the most dangerous weapons from falling into the hands of the most dangerous regimes and terrorists.

So, where does that leave us with respect to the role of the Biological Weapons Convention in today's strategic environment, particularly as states look toward the Review Conference later this year? The U.S. is a strong supporter of the global norm incorporated in the BWC that prohibits the development, production, stockpiling and acquisition of biological weapons. As we have stated repeatedly in Geneva and other international fora, BWC States Parties must embrace the changing strategic environment in order for the Convention, itself, to remain a relevant international instrument. The Bush Administration is pleased that BWC States Parties have begun to respond to this challenge and we note the constructive 2003-2005 Work Program, and in particular, its emphasis on national measures. Furthermore, the United States is encouraged that during our discussions of the 2005 Work Program topic of codes of conduct, BWC States Parties, as well as relevant stakeholders, agreed almost unanimously that the adoption of codes of conduct should be a bottom-up rather than top-down process.

However, much work remains to be done. States Parties need to go back and in consonance with their obligations under the Convention take concrete actions to implement these obligations. For starters, States Parties should ask themselves not what the BWC can do for them, rather what they, as States Parties, can do to strengthen the BWC. The simple answer: act responsibly. The United States will stress these rudimentary, yet essential actions at the upcoming Review Conference and will encourage States Parties to follow-up the 2003-2005 Work Program "common understandings" with "effective actions" at home, and to report their progress. The United States hopes that States Parties will be in a position at the 2006 Review Conference to report on the proactive national measures that they will have already taken to date, as well.

Where will the BWC find itself beyond 2006? It will come as no surprise to those gathered in this room that the United States is listening assiduously to the teeming teapot of ideas floating around regarding potential post-2006 activities. In case I was not clear at the outset, let me reiterate for you now that the Bush Administration will not return to the Protocol negotiations or negotiations on any verification mechanism whatsoever for the BWC. Leaving aside the issue of a verification mechanism for the BWC, we are aware that there are a number of other ideas that seem to be gaining steam. In examining any of these proposals, the litmus test for the United States will be their relevance to the post-9/11 international security environment in which we cannot remain passive, but must succeed in our efforts to eliminate the proliferation of weapons of mass destruction -- anything less is not an option.

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