

Background

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President Bush Strikes the Proper Balance on Non-Proliferation Policy

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Addressing the threats posed by the proliferation of biological, chemical, radiological, and nuclear weapons and the means to deliver them has always required balancing military steps with arms control. In a speech at the National Defense University on February 11, President George W. Bush outlined a non-proliferation program that strikes that balance.¹

Specifically, President Bush described a two-pronged approach to strengthening multilateral arms control for stemming proliferation. First, he proposed steps for augmenting the existing treaty-based regime in those areas where the regime faces systemic shortcomings. Second, he proposed steps for strengthening the treaty-based regime where it faces problems that can be addressed by internal reforms.

Military and Defensive Measures

Since the terrorist attacks of September 11, 2001, the Administration has taken a number of highly visible military and defensive actions to protect the American people more effectively against the threats they face today. Among these actions are:

- **Removing** the terrorist-supporting Taliban regime in Afghanistan in 2001;

1. George W. Bush, "President Announces New Measures to Counter the Threat of WMD," remarks at the National Defense University, Fort McNair, Washington, D.C., February 11, 2004, at www.whitehouse.gov/news/releases/2004/02/20040211-4.html (February 17, 2004).

Talking Points

President Bush has proposed seven steps for improving arms control:

- Broaden the scope of the Proliferation Security Initiative to include law enforcement measures,
- Urge other states to expand their internal control of proliferation activities,
- Expand the Nunn–Lugar program for dismantling weapons,
- Curtail the sale of enrichment and reprocessing equipment,
- Deny the sale of equipment for civilian nuclear programs to countries that fail to observe the IAEA's Additional Protocol on safeguards,
- Establish a new special committee under the IAEA Board of Governors for safeguards and verification, and
- Deny positions on the IAEA Board of Governors to states that are under investigation for illicit nuclear activities.

This paper, in its entirety, can be found at:
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- **Adopting** a National Security Strategy in 2002 that emphasizes the options for preemptive strikes and preventive wars against terrorists and the regimes that support them;
- **Establishing** the Northern Command, which is charged with providing for the defense of the American homeland, in 2002;
- **Removing** the Saddam Hussein regime in Iraq in 2003; and
- **Fielding** a missile defense system, which is slated to become operational later this year.

Past Non-proliferation Measures

The Bush Administration's effort to strengthen the arms control regime for controlling proliferation has been less visible. Chief among these steps are:

- **Continuing** the Nunn-Lugar program for dismantling weapons in the former Soviet Union through the adoption of a \$20 billion funding commitment at the G-8 summit in 2002.²
- **Creating** the Proliferation Security Initiative (PSI), a multilateral effort to interdict illicit weapons and equipment shipments, in 2003. As President Bush described in his February 11 speech, the PSI has already led to the capture of a shipment of parts for enrichment centrifuges bound for Libya.³
- **Calling** on the intelligence community to expose the nuclear black market operation run by Pakistani scientist Abdul Qadeer Khan, which was revealed to the public this year.

The Treaty-based Non-proliferation Regime

In his speech, President Bush also turned his attention to improving the existing multilateral treaty-based regime for controlling proliferation. This treaty-based regime consists of the following multilateral agreements and their affiliated international bureaucracies, as well as lesser agreements and institutions not mentioned here:

- The 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT);
- The 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC);
- The 1993 Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC);
- The International Atomic Energy Agency (IAEA); and
- The Organization for the Prohibition of Chemical Weapons (OPCW).

President Bush recognizes that this treaty-based regime suffers from both remedial problems and systemic shortcomings. For example:

- Article IV of the NPT establishes an obligation for participating states to facilitate the development of nuclear technology for peaceful purposes, even though some of these activities may increase the risk of proliferation.
- The BWC is both unverifiable and unenforceable.
- The CWC is also unverifiable and unenforceable.
- The IAEA seriously underestimated the scope of the Iraqi nuclear weapons program during the late 1980s and early 1990s.
- The Director General of the OPCW was dismissed in 2002 for mismanagement.

Seven Steps for Improving Arms Control

In response to these problems, President Bush used his speech to propose two sets of solutions to existing weaknesses in the international arms control regime for stemming proliferation. The first set seeks additional steps outside the regime in order to address inherent shortcomings that are not amenable to internal reforms. The second set seeks to

2. The White House, "Fact Sheet: G-8 Summit—Preventing the Proliferation of Weapons of Mass Destruction," June 27, 2002, at www.whitehouse.gov/news/releases/2002/06/print/20020627-7.html (February 18, 2004).

3. The creation of the PSI was announced in George W. Bush, "Remarks by the President to the People of Poland," May 31, 2003, at www.whitehouse.gov/news/releases/2003/05/print/20030531-3.html (February 10, 2004).

reform the regime in areas where the problems can be remedied.

Specifically, President Bush proposed the following seven steps:

1. **Broaden the scope of the PSI.** This step would supplement the treaty-based non-proliferation regime by expanding the scope of PSI activities to include law enforcement measures.
2. **Urge other states to expand their internal control of proliferation activities.** This step would also supplement the treaty-based regime by harnessing the power of national governments to take law enforcement actions against proliferators and strengthen export controls.
3. **Expand the Nunn-Lugar program.** This step would augment the treaty-based regime by applying the ongoing activities for dismantling weapons in the former Soviet republics to other countries.
4. **Curtail the sale of enrichment and reprocessing equipment.** This step seeks to strengthen the treaty-based regime by denying enrichment and reprocessing facilities to countries that do not already possess them. While some may argue that this proposal is inconsistent with Article IV of the NPT, Article IV does not require specific types of international cooperation in the field of nuclear energy and research. It implicitly recognizes that alternative forms of cooperation are possible.⁴
5. **Deny the sale of equipment for civilian nuclear programs to countries that fail to observe the IAEA's Additional Protocol on safeguards.** The Additional Protocol is designed to improve the IAEA's ability to detect an illicit nuclear weapons program. This step, therefore, also seeks to strengthen the treaty-based regime. A number of foreign governments will probably argue that this is inconsistent with Article IV of the NPT, but Article III of the NPT obligates non-nuclear states to accept safeguard arrangements as a means to make vis-

ible their intention to forswear nuclear weapons.

6. **Establish a new special committee under the IAEA Board of Governors for safeguards and verification.** This step will strengthen the treaty-based regime by forcing the IAEA to pay more attention to enforcement and less to facilitating international cooperation in peaceful nuclear activities. The relationship between these two IAEA roles has become increasingly unbalanced over the years.
7. **Deny positions on the IAEA Board of Governors to states that are under investigation for illicit nuclear activities.** This step strengthens the treaty-based regime by stopping the "foxes guarding the henhouse" situation that all too frequently arises at the IAEA.

Conclusion

President Bush is right to turn his attention to strengthening the arms control tool for stemming proliferation. Arms control serves to shrink the universe of threats to American security, which otherwise would have to be addressed through military and defensive measures. By the same token, it is President Bush's determination to take necessary military and defensive actions that give muscle to arms control diplomacy. Libya's recent decision to give up its weapons programs demonstrates this requirement for balance.

While President Bush struck the right balance between force and diplomacy in his speech at the National Defense University, Congress must be careful not to undermine it. It needs to support the President's defense budget request and not obstruct Secretary of Defense Donald Rumsfeld's efforts to transform the military and make it more capable of countering the threats that President Bush described in his speech.

Finally, Congress should remain cognizant that the treaty-based non-proliferation regime faces several systemic problems. Internal reform of that

4. *Washington Post* reporters Dana Milbank and Peter Slevin implied this argument in their article covering Bush's speech: "Bush, in a speech at the National Defense University, proposed revoking the long-standing bargain in the 1970 Non-Proliferation Treaty (NPT) that allows countries to develop peaceful atomic energy in return for a verifiable pledge not to build nuclear weapons." Dan Milbank and Peter Slevin, "Bush Details Plan to Curb Nuclear Arms," *The Washington Post*, February 12, 2004, at www.washingtonpost.com/ac2/wp-dyn/A34725-2004Feb11 (February 18, 2004).

regime is not enough. Supplemental arms control activities are necessary and deserve congressional support.

As President Bush pursues arms control diplomacy, some in Congress may be tempted to support a return to the weak consensus-based diplomacy—prominent in the treaty-based regime in the past—that promotes least-common-denominator solutions. Such weakness would not only undermine effective diplomacy, but also jeopardize the security

of the American people. Arms control is a means to the ends of national security, not an end in itself. Congress will only compound the risk of catastrophic attack on the American people if it loses sight of this enduring truth.

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