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Pros and Cons of Multilateral Nonproliferation: Lessons Learned from the Bush Administration

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It's a great honor to be here at The Heritage Foundation, an institution that for decades has been front and center in promoting policies that advance the cause of freedom and liberty, not just here in the United States, but throughout the world. And it's great to see so many friends here, many of whom I had the pleasure of serving with in government.

First on that list is, of course, Kim Holmes. I had the great honor and fun of working with Kim as his political deputy at State. One of my lasting impressions from that time was working with him as we reentered the U.N. Human Rights Commission in 2003 after having been voted off it for the first time ever.

The first issue we faced was Libya's candidacy to chair the Commission. With Kim's able leadership—and believe me, not everyone at the State Department wanted to do this—we waged a worldwide campaign against Libya, then under U.N. sanctions as a terrorist state, eventually calling for a vote to decide its fate. It was the first time in the history of the Human Rights Commission that anyone had forced such a vote. Yes, we went down in flames, but we did it for the right reasons and performed what I think was a badly needed reality check on an institution that had grown comfortable with absurdity.

When my friends here at Heritage first invited me to speak, I pondered what best I might offer that is not already well known and obvious to experts who follow U.S. nonproliferation policy. It seemed to me that perhaps my experience over the past several years might provide a somewhat unique view of the various,

Talking Points

- Existing multilateral institutions are ill equipped, unable, or unwilling to address the most urgent proliferation security-related threats we face.
- A “new tone in foreign policy” will not correct the impediments within today's multilateral nonproliferation architecture.
- It is not our job to save these institutions from themselves. Our multilateral efforts with Iran clearly demonstrate that when we hold an organization's prestige above its stated purpose, we risk sending a message that unacceptable threats can become tolerable.
- Failure of these institutions, on the other hand, could force them to adapt to the true challenges confronting the international community or lead the U.S. and like-minded partners to seek solutions elsewhere.
- This does not mean abandoning all multilateral tools, but multilateral cooperation needs to be sensible and targeted for maximum strategic advantage.

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related multilateral efforts still underway today. Obviously, now that I am outside of government, I am no longer confined by the bureaucratic “clearance” process, so I hope we can have an informal, non-technical discussion of the challenges and opportunities we face with respect to nuclear non-proliferation.

As Kim mentioned, I’ve had the opportunity to represent the U.S. at a number of multilateral institutions in Geneva, Vienna, and New York. Most recently, I was Special Envoy dealing with nuclear nonproliferation and emerging nuclear energy worldwide.

While I will address several broad themes today, I would be remiss if I did not draw often on my experiences dealing with the case of Iran. For in a very real sense, Iran has shaken the traditional multilateral system—piece by piece—to its core, and despite the machinations of the blame-America-first crowd, its nuclear weapons program remains the greatest common challenge to each of the institutions in which I served.

At the outset, let me be clear that my remarks here today are based on what I consider to be the inconvenient truth some still try to deny. Diplomats and analysts can debate the size, scope, and pace of the program, or the role of hardliners vs. reformers in Tehran, but Iran’s actions over the past several decades cannot lead but to one inexorable conclusion: Iran desires and—if left to its own devices—will soon have a nuclear weapons capability. No sane person really thinks Iran continues to test a ballistic missile capability in order to launch satellites, but even the most wishful thinking cannot ignore the reams of internationally acquired evidence regarding Iran’s covert uranium enrichment program, its weaponization research, and the involvement of its military in almost every facet of these programs.

The Shortcomings of Existing Multilateral Institutions

To better understand how we might move forward, let me take a moment to discuss as a baseline where we have been and where we are now. Broadly speaking, I think it is a fair and accurate assessment to state that existing multilateral institutions

are ill equipped, unable, or in some cases unwilling to address the most urgent proliferation security-related threats we face. One could even make the case that these institutions, when they fail to act decisively, in effect legitimize illicit programs. While we should not ignore the role these institutions might play, it is naïve—dangerously so—to assume they can resolve the urgent proliferation matters we confront.

Conference on Disarmament. Some might find that a rather sweeping statement, so I hope you will allow me to illustrate through some specific cases. But before I do, I’d like to talk about time travel. No, I haven’t been spending too much time with my colleagues from our national labs discussing the folding of space, although that at times sounds easier than convincing certain countries to forgo the fuel cycle. Trust me, though: Time travel is possible.

All you have to do is visit the Conference on Disarmament (CD) in Geneva. The mustaches and sideburns have disappeared, but the crusaders of disarmament are still waging the Cold War in Geneva. And worst of all, they let these people loose several times a year, most notably on the Nuclear Non-Proliferation Treaty (NPT) conference rooms, to argue—no doubt to Iran’s and North Korea’s great satisfaction—that proliferation threats would simply cease to exist if the U.S. dismantled its nuclear arsenal. Given this time warp, it is no wonder the organization hasn’t produced one solitary piece of work since 1996.

I have spent many a meeting listening to its proponents attempt to tug and stretch the disarmament philosophy into relevancy, but when pressed it is difficult for them to argue that a Comprehensive Test Ban Treaty, for example, would address current or emerging threats. They offer no credible assurance that a new Cold War treaty could avoid the now-familiar pitfalls associated with the systematic failure to prosecute existing treaty violations.

And so these proponents of disarmament return to the political path of least resistance and focus their attention on the United States and hand the Irans and North Koreas of the world an incredibly valuable gift—time and diplomatic cover to continue their illicit work.

It is a shame so much time and effort is wasted at the CD, but most of us here will agree that on balance, in a venue so mired in the past, no work is good work. Still, the CD illustrates well how outdated, unwilling machinery can infect the workings of the system as a whole.

You really have to hand it to John Bolton. Despite the mustache, he understood the Geneva Mafia—a term that even they use—and he thought it would be useful to speak with one consistent voice wherever they appeared in the world. So when he tapped me as Ambassador to the CD in late 2003, he gave me diplomatic responsibility for the Nuclear Non-Proliferation Treaty as well. The charge was fairly simple: Defend the United States and its interests; utilize each venue as a platform for exposing the true threats to international peace and security; and when in doubt, say no to the CD.

Later, when he and Kim also gave me interim responsibility for the International Atomic Energy Agency, let me tell you, it became very complicated.

International Atomic Energy Agency. In 1957, the International Atomic Energy Agency (IAEA) was created, according to its statute, as “an independent intergovernmental, science and technology-based organization, in the United Nations family, that serves as the global focal point for nuclear cooperation.” Put differently, it was largely established as a technical organization to help facilitate the peaceful development of civil nuclear programs. In this regard, it has served the international community reasonably well.

The problem, of course, is in its dealings with countries that are pursuing weapons under the guise of peaceful nuclear programs. In some cases, its technical response has been beneficial, as in the case of the IAEA developing the Additional Protocol in 1997. One can also point to its decision to refer North Korea to the U.N. Security Council in both 1993 and 2003. But a fair cost-benefit analysis also would have to include its track record as the world’s so-called nuclear watchdog.

There have been several well-documented instances in which it simply did not detect or adequately judge illicit nuclear programs, but obviously, the hallmark failure of the IAEA has been the case

of Iran, most notably in 2003 when it failed its mandate by refusing to formally find Iran in non-compliance with IAEA statutes and refer it to the Security Council. While the Security Council is by no means a panacea, it is quite clear that the international community in the fall of 2003 missed an important opportunity to signal to Iran that its nuclear weapons program was unacceptable. Some board members and IAEA officials alike—for assorted reasons—didn’t want to lose jurisdiction over the Iran issue from Vienna. Despite our best efforts at home and abroad, the referral didn’t come until early 2006.

While some IAEA officials certainly enabled this delay, responsibility ultimately falls to states and their often tried, often failed policy of negotiation. Many of you here have correctly argued that negotiation is not policy, just one of a number of available tools to *achieve* a policy, and when we fail to recognize the distinction, we end up with nothing or worse. Europe’s negotiations with Iran achieved nothing, but what’s worse is that they delayed the referral process in Vienna for over two years.

First the Europeans promised negotiations would dismantle Iran’s nuclear program, and when the operative negotiating term quickly became “suspend,” we were promised that it soon would be changed to “halt.” Dismantlement became a wish rather than a goal. At the same time, the Europeans promised Iran that if it agreed to a temporary suspension and some form of verification, the U.S. would eventually accept its program. Though the resulting so-called Treaty of Paris was lauded as bringing the world back from the brink of another Iraq-like U.N. Security Council drama, it was a failure even before it was abrogated. The goalposts weren’t just moved; they were disposed of altogether at a very early stage.

The Europeans still like to claim that their negotiations slowed Iran’s nuclear progress. Iran, of course, took a different view, with their chief negotiator even boasting later that the ongoing negotiations afforded Iran the necessary time to complete a critical part of the fuel cycle. Iran, like North Korea, has recycled this tactic many times to great success: If they delay, the West will eventually negotiate with itself and back down.

The last several years have also been witness to a rather new phenomenon that has further weakened the ability of the IAEA to do its job. For years, the IAEA had been known as an apolitical technical agency. It was thought that consensus decisions, an unwritten rule known affectionately as the “Spirit of Vienna,” would guard against the kind of deadlocking politicization so common in Geneva and other U.N. cities. As the U.S. Representative to the IAEA Board of Governors from 2004–2005, I had a front-row seat as Iran and its Non-Aligned Movement allies quickly turned the “Spirit of Vienna” on its ear. Board meetings now are often highly politicized events, complete with anti-Western tirades, procedural obfuscation, and other tactics used to derail action on cases like Iran.

Nuclear Non-Proliferation Treaty. The Nuclear Non-Proliferation Treaty, broadly speaking, established a bargain where countries have both entitlements and obligations with respect to their acquisition and handling of nuclear materials. Perhaps the NPT’s greatest contribution has been to help strengthen the abstract norm that countries outside of the five which already possessed nuclear weapons should forgo such programs. Unfortunately, we don’t just deal in abstract norms; we must deal with real-world, empirical cases of countries manipulating the so-called right to peaceful nuclear energy to further their pursuit of a weapons capability.

Rather than confront these serious issues, however, many NPT members devote all of their efforts year after year, conference after conference, to blaming the world’s problems on the United States and, to some degree, the other nuclear weapons states. Interestingly, in my experience, China largely gets a pass. Given the incongruity of events inside and outside these conference rooms, I felt little guilt when irritating my colleagues—both foreign and domestic—by reminding them that we were working on the Nuclear Non-Proliferation Treaty, not the Nuclear Peaceful Uses Treaty or the Nuclear Disarmament Treaty.

Form over substance almost uniformly dominates NPT meetings, as evidenced by members’ reaction to North Korea’s announced withdrawal from the Treaty in 2003. At first, member states appeared to be in denial, even going so far as to

argue that the DPRK was still a Treaty party because it didn’t follow the proper technical procedures of withdrawal. At several meetings, organizers even put out a name placard for the DPRK, knowing there would be an empty seat. This certainly addressed threats to decorum, just as it ensured against what might have been a useful debate on how to address those who violate and then withdraw from the Treaty.

There is very little within the NPT about how to formally find or address noncompliance. Indeed, as IAEA Chief Mohamed ElBaradei likes to point out, the IAEA, as a technical agency, only verifies safeguards agreements; it is up to member states to judge compliance with the NPT itself.

One would think that the mounting evidence and multilateral action to date would indicate some general agreement regarding Iran’s noncompliance with the NPT. In the world of multilateral diplomacy, however, nothing is agreed until it is negotiated and printed in a resolution. And once agreed, for better or worse, a document’s content will be repeated and reused in conference rooms and texts for years and years. Iran fully understands this, so naturally it sought to exploit ElBaradei’s—shall we say—*nuanced* verdicts, its political base, and the West’s penchant for consensus negotiations to influence the content of the various multilateral resolutions on its nuclear program. The resulting paper trail is a mixed bag, with a little something for everyone. On balance, Iran might have lost some battles, but it is still winning the multilateral paper war.

United Nations Security Council. Turning to the U.N. Security Council, I find it deeply troubling that the only body charged with addressing threats to international peace and security persists in punting the Iran file back to Vienna. I think it is fair to say that the Security Council’s reaction to Iran has been not just ineffective, but tragically counterproductive. The reason is pretty straightforward: A bad resolution is worse than no resolution.

At the highest levels, the U.S. was well aware that consensus as a precondition to a vote in the Security Council would weaken the substance of the provisions aimed at countering Iranian proliferation, but a conscious decision was made to follow the Europeans and let them put form before substance. In

effect, we handed Russia, China, and even Germany a line-item veto and surrendered our ability to leverage the harsh public scrutiny associated with formal Security Council vetoes.

This is not to say that we didn't do our damnedest to push the diplomatic envelope—and we did score some, albeit temporary, victories. I have here in my hand one special memory, a note John Bolton handed me toward the end of a particularly tough meeting of the P-5, the five permanent members of the Security Council. It reads, "Headline for this meeting: British–French effort to surrender thwarted." In the end, however, we were bound by instructions and consensus, and bearing witness to the evisceration of each draft resolution was like watching a car crash that you know is about to happen. At one point, the Russian ambassador in New York quipped that he would not receive instructions to conclude negotiations in New York until Washington, Paris, and London stopped sending concessions to Moscow.

Unfortunately, a tepid symbol of consensus in New York does very little to provide countries concrete authority for dealing with real-world proliferation. When we shy away from provoking a clear choice—meaning, pressing to a vote—the Security Council can enable a dangerous status quo. In the case of Iran, this allowed it to gain significant time, space, and negotiating advantage in the process.

John Bolton has referred to a phenomenon he calls the "We Never Fail in New York Syndrome." The consequence of this "impossibility of failure" attitude is that many of the resolutions passed, such as those on Iran, are toothless while others are simply thematic in nature.

These thematic resolutions in the Security Council were a particular pet peeve of mine. No civilized person, for example, supports using children in armed conflict, but it is unclear to me what a generic statement on the subject from the Security Council serves or solves. That's why we have the U.N. General Assembly: to produce statements on every issue known to man. It always seemed suspiciously as if the Council used these debates to deflect the fact that it was incapable of actually resolving true threats to international peace and security.

To be sure, the Security Council does address important regional security threats from time to time, but this occurs only when there is convergence in views of the P-5 members. It is for this reason that the Council spends roughly 70 percent of its time discussing regional peacekeeping conflicts, largely confined to Africa.

Returning to the case of Iran, I believe it is unrealistic to expect the Security Council to play an important role in resolving Iran's illicit nuclear weapons program. Simply, if bluntly, put, Russia and China have divergent interests from ours, and we have handed them the ability to avoid the public outcry that would accompany a veto. Both Russia and China have significant commercial and military interests in Iran which underlie much of their approach on this issue. Let me add that, from my vantage point in the Security Council, there was clearly an understanding between the two that China would back Russia's positions on Iran, and Russia in return would support China on North Korea. This dynamic drove much of our closed-door debate each time we negotiated Security Council resolutions on these two biggest threats to international peace and security.

Efforts Outside of Formal Institutions

The point of my remarks is not to disparage all multilateral action—indeed, quite the contrary. But it is important to have a clear-eyed view of the limitations of formal institutions, particularly when we allow our fear of failure or illegitimacy to delay the adoption of more creative, ad hoc arrangements.

The Nuclear Suppliers Group. A first important movement away from formal multilateral mechanisms was promoted in the mid-1970s—interestingly, by the United States and the Soviet Union. Acknowledging that there remained unaddressed proliferation risks involved with the transfer of nuclear material and equipment, a set of 15 like-minded nations, known as the "London Club," began meeting to discuss the creation of a uniform set of nuclear supply standards that did not disrupt the commercial market.

Today, this group, which includes over 40 participating governments, is better known as the Nuclear Suppliers Group, or NSG. While the NSG does

not take action *per se*, NSG members seek to strengthen nonproliferation efforts through adherence to a set of nuclear export guidelines. Recently, amid renewed concerns about the transfer of sensitive fuel-cycle technologies, the U.S. has led an effort to further strengthen these guidelines, a campaign that still unfolds today.

The Proliferation Security Initiative. One of the Bush Administration's most creative and groundbreaking efforts in this regard was the Proliferation Security Initiative. It is a stark departure from multilateral business as usual. Rather than waste time on speeches and conference agendas, PSI supporters concentrate their cooperative efforts on interdicting shipments of weapons of mass destruction at sea, in the air, and on land. Today, more than 90 countries around the world support PSI and stand ready to utilize existing authorities and resources to actively prevent the trafficking of the world's worst weapons. Libya is just one success story of PSI.

Another innovative development sought to sever the lines of support proliferators use to finance their activities. The financial measures the Bush Administration pioneered have since become multilateral with the European Union, even the U.N. Security Council, coming on board in select cases. More broadly, the Financial Action Task Force, a coalition of 34 countries, originally focused primarily on money laundering but today is helping banks and financial institutions to avoid becoming unwitting partners in proliferation activities. These types of activities should be strengthened and expanded.

Managing the Fuel Cycle. As I have mentioned earlier, the fundamental flaw in the NPT's grand bargain is that it allows would-be proliferators to develop a weapons capability under the guise of peaceful nuclear energy programs. I would like finally to discuss initiatives that aim to help seal this loophole by stemming the spread of enrichment and reprocessing technologies.

To further extend the benefits of nuclear power to more states, as well as enhance measures of nonproliferation and waste management, the United States initiated the Global Nuclear Energy Partnership, or GNEP, in 2006. GNEP offers a single, informal forum that spans the full spectrum of nuclear

energy experience where states speak freely in search of mutually beneficial approaches to the development or further expansion of nuclear energy. Today, 24 other states have joined us as partners in this initiative.

GNEP aims to tackle some of nuclear power's greatest impediments and offers potential for widely acceptable solutions to these challenges, but realization of its objectives will surely take time. This fact was recognized by Presidents George W. Bush and Vladimir Putin, the founders of the GNEP vision.

As a result, a second initiative was the Joint Declaration on Nuclear Energy and Nonproliferation, issued July 3, 2007, in Washington and Moscow. It described a pragmatic course through which the United States, Russia, and other supplier states could assist the responsible development of nuclear energy and, most important, create a viable alternative to uranium enrichment and spent-fuel reprocessing.

Guided by the Joint Declaration, which I was tasked as Special Envoy to implement, the U.S. began building cooperative relationships with key states in the Middle East, Southeast Asia, and North Africa that were willing to pursue nuclear power in a responsible and transparent way and consider alternatives to the development of sensitive fuel technologies. I quickly found that our embassies around the world were quite inconsistent—perhaps not surprisingly so—on reporting what was actually happening in their host countries regarding nuclear energy development plans. Firsthand knowledge of programs and intentions is key to assessing motivations as well as transparency, and it was that that we sought in our travels around the world, meeting with key energy and foreign ministry officials.

You may ask, why promote nuclear power at all? Simply put, nuclear energy development around the world is happening now, with or without us. Other supplier countries are actively courting business, and some do not have the high standards of safety, security, and nonproliferation that we have. In my view, we would be irresponsible not to engage.

In the past year alone, the U.S. signed nuclear cooperation Memoranda of Understanding with Jordan, Bahrain, the United Arab Emirates, and Saudi Arabia. These agreements symbolize our

shared political commitments to pursue cooperation consistent with the highest nuclear standards and to pursue deployment of nuclear power without the transfer of the most sensitive technologies. Significantly, in each of these agreements, there is explicit language of our partners' intent to rely on the international market and not pursue enrichment and reprocessing.

The goals of this effort will take some time to accomplish, but my experience over the past year convinced me that we were on the right track. I believe that if we create a groundswell of partners, especially in the Middle East, who are committed to transparency and forgoing these technologies, we can further isolate Iran, expose its activities for what they really are, and convince others who might consider following Iran's approach to make the right strategic choice.

Conclusion

So what lessons can we draw from these experiences? I have intentionally avoided a formal road map for the Obama Administration, partly because I will be the first to admit I do not have all the answers. With that said, though, a "new tone in foreign policy," as referred to by Vice President Joseph Biden last week in Germany, will not correct the existing impediments within today's multilateral nonproliferation architecture.

Put differently, I don't think being "nicer" or adopting a different "tone" is going to persuade the Iranians or North Koreans to abandon their nuclear weapons programs. As many Bush Administration critics conveniently forget to point out, the case of Libya reminds us that critical security decisions are based on perceived national interests—not the niceties of diplomacy.

We need to recognize and acknowledge that international institutions sometimes fail. It would better serve our interests and those of the wider nonproliferation community if we realize that it is not really our job to save these organizations from them-

selves. As our multilateral adventures with Iran clearly demonstrate, when we hold the prestige of an organization itself above its stated purpose, we risk sending a message that unacceptable threats can indeed become tolerable. Failure, on the other hand, could actually force these institutions to adapt to the true challenges confronting the international community or naturally lead the U.S. and other like-minded partners to seek solutions elsewhere.

This does not mean abandoning all multilateral tools. There is room for multilateral cooperation, and it can be effective, but it needs to be sensible and targeted. I often found it deeply ironic that as much as the Bush Administration was accused of being unilateralist, we were the ones who were pushing to make PSI an accepted norm within the international community; who pressed to have the IAEA and the Security Council fulfill their mandates; who organized GNEP and the Joint Declaration as multilateral ways to positively influence the nuclear energy renaissance.

In an increasingly interconnected global economy, we must identify which levers to use to give us maximum strategic advantage; I think targeting proliferation financing, for example, is a good start. The U.S. has demonstrated tremendous leadership in these areas, and when we have led, other countries have come on board.

Let me close by saying that it was a great privilege to work on these issues, and with some terrific people, including some in this room. And I thank The Heritage Foundation again for giving me this forum and opportunity to share these observations.

—Ambassador Jackie Wolcott most recently served as Special Envoy for Nuclear Nonproliferation. She has also served as U.S. Representative to the U.N. Security Council, U.S. Representative to the U.N. Conference on Disarmament, and Special Representative of the President for the Non-Proliferation of Nuclear Weapons with lead responsibility for U.S. participation in the Nuclear Non-Proliferation Treaty (NPT) review process.