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A Layered Defense Against WMD Proliferation

Thank you very much.

It is a pleasure to be here and have the opportunity to share perspectives on the global WMD proliferation threat and steps we are taking to mitigate this threat. As you are well aware, the potential for dangerous weapons and materials to find their way into dangerous hands is not a new problem. But its threat and the manner in which the global community addresses this problem have changed dramatically over the past three decades, particularly in the past few years. Terrorist attacks such as 9/11, Bali, and Madrid, and terrorists' interest in acquiring WMD add new urgency to our task.

A Multi-Layered Defense:

The sustained commitments and actions of countries around the world to prevent WMD proliferation to state and non-state actors have created what we like to refer to as a "layered defense." With each new "layer" or initiative, the global nonproliferation regime has sought to address shortcomings in the existing architecture of nonproliferation and adapt to new challenges presented by emerging threats and other events. The nonproliferation architecture must be comprehensive and inclusive: it must physically protect and secure dangerous materials and

weapons at their source; - if this fails, we must have programs to prevent illicit exports of dangerous materials and weapons by strengthened export controls, anti-smuggling, detection and law enforcement tools at border crossings; - if that fails, we must have effective ways to stop the transfers of dangerous materials and weapons to the wrong places en route through interdiction and other means; - if that fails we must have programs to stop items coming into our countries at other border crossings; -- and if that fails we need to have domestic programs to promote homeland security. Each stage, of course, is easier to articulate than to design and implement. But each must be implemented because it is very much in our collective interest to do so. Export controls are an essential and indispensable component of this global nonproliferation architecture and integral to a multi-layered defense against proliferation and proliferators.

The first layer is global and consists of the multilateral treaties and conventions that prohibit the proliferation of nuclear, chemical, or biological weapons. The Nuclear Nonproliferation Treaty (NPT), Chemical Weapons Convention (CWC), and the Biological and Toxin Weapon Convention (BWC) form the front line of this defense. These treaties have stood the test of time, and continue to help maintain an important dialogue and cooperation surrounding these threats. However, we have learned hard lessons from North Korea, Libya, Iraq, and Iran. While these treaties have established strong global norms, their ability to prevent WMD acquisition is only as strong as States Parties' willingness to comply with their treaty-based obligations and the resolve of complying parties to hold others to their obligations.

The second layer of defense against proliferation consists of the multilateral export control regimes – the Nuclear Suppliers Group, the Zangger Committee, the

Missile Technology Control Regime, and the Australia Group. These bodies promote awareness among suppliers of WMD-related technologies and materials of the need for strong national to control exports that would otherwise represent a proliferation threat. They also establish a standard against which other countries are being encouraged to abide. However, recent experience – most notably the clandestine A.Q. Khan nuclear trafficking network – has made clear that having strong supplier commitments and solid, even expanding, control lists do not automatically translate into prevention of illicit exports. For a variety of reasons – ideological or monetary -- proliferators have adapted and often stayed one step ahead of organized efforts to keep sensitive goods and technologies out of threatening hands. We, too, must adapt and stay one step ahead of them.

Another layer of defense consists of securing and eliminating WMD-related facilities and materials and redirecting the scientific communities involved in WMD projects into civilian arenas. Efforts such as the G8 Global Partnership Against WMD advance our efforts in this area. The Global Partnership continues to expand its donor base and we seek to expand its reach beyond Russia and the former Soviet Union into countries such as Iraq and Libya. The Global Threat Reduction Initiative (GTRI) is another important endeavor launched in the past year that is focused on identifying and securing nuclear materials worldwide. Along with IAEA programs and other international initiatives to secure radioactive sources, a strong foundation is being built to address nuclear terrorism.

Finally, a comprehensive strategy calls for mechanisms to respond to actions of proliferators that evade the rules and enforcement efforts we put in place to prevent the transfer items of proliferation concern. It includes preparing defensive measures to deter and protect from states and terrorists who seek to use these

weapons. The Proliferation Security Initiative, which creates a basis for countries to cooperate in preventing illicit shipments of WMD, their delivery systems, and related materials to or from state or non-state actors of proliferation concern, is an excellent example of our advances in this kind of cooperation. The PSI has become a highly successful set of activities that helps participating countries to enhance their readiness to interdict WMD shipments. Efforts to prepare for – and defend against -- the use of biological, chemical, nuclear weapons and their means of delivery also must be part of this comprehensive and layered defense.

#### The U.S. Nonproliferation Agenda:

The United States is seeking to strengthen its ability to address varied proliferation threats. President Bush has set forth an ambitious nonproliferation agenda that includes proposals to strengthen the International Atomic Energy Agency (IAEA), to close export and supply loopholes, to establish the basis for obligations on states at the international level, and to create avenues for cooperation between and among states to shut down proliferation pathways.

Since the February 2004 speech in which these proposals were first outlined, significant progress has been made in advancing the agenda originally set forth by the President and transforming it into the collective vision of like-minded states. In April 2004, the UN Security Council adopted UN Security Council Resolution 1540, establishing for the first time, binding obligations on all UN member states to enact and enforce legal and regulatory measures against proliferation. While much of the focus regarding 1540 is on states' capacity to prevent the export of WMD materials, equipment, and technologies, Resolution 1540 has a much broader focus that, if

implemented successfully, will significantly strengthen the basis to prevent state and non-state actor proliferation. I will speak in more detail about Resolution 1540.

In June, the IAEA agreed to establish a Committee on Safeguards and Verification to strengthen the Agency's ability to ensure that nations comply with their international obligations. Expansion of the work of the Proliferation Security Initiative is also underway, with an initial focus on shutting down the financial flows that support proliferation. In support of this work, President Bush announced in June, Executive Order 13382 to combat proliferation finance, a move which enables the U.S. law enforcement community to freeze assets of entities involved in proliferant activities.

While these are all laudable achievements, more remains to be done to thwart proliferation by state and non-state actors.

#### UNSCR 1540:

Let me turn now to focus on UN Security Council Resolution 1540. The resolution is viewed by the U.S. as an important achievement for preventing proliferation. Efforts to encourage states to implement effective controls over sensitive items are not a new endeavor. Significant strides have been made in creating a consensus about the importance of strong controls and measures to keep deadly technologies out of the wrong hands. Yet a clear gap remained between the global consensus about the threat of WMD proliferation and the concrete action necessary to combat it on the ground. Our consensus on the need to act sorely needed effective, underlying national legislation.

While not a proliferation panacea, UNSCR 1540 helps close this gap. It makes effective national controls and enforcement a requirement rather than an option. It is a necessary requirement, because terrorists or those that sponsor them exploit opportunities and vulnerabilities where they exist. It is axiomatic that prevention is only as strong as the weakest link in the global chain. Proliferators, like those involved in the Khan network, have shown cunning in using not the quickest or most cost-effective routes to ply their dangerous trade, but in seeking the path of least resistance. Resolution 1540 seeks to meet proliferators' lethal flexibility and dedication with the firm resolve of states to cut off the path to proliferation. It places a premium on the establishment of legal and regulatory measures at the national level. It seeks to build capacity from the bottom up rather than attempting to impose it from above.

#### Status of Implementation of UNSCR 1540:

Nearly eighteen months since the adoption of Resolution 1540, the record of its implementation has many positive signs, but also some disappointments. The 1540 Committee in New York was only able to begin the task of considering implementation efforts at the beginning of this year. It has been hard work to evaluate reports submitted by member states, to assess assistance requests against offers, and to conduct outreach activities. The Committee faces a significant challenge, since many states have still not submitted their national reports, and a significant number of those that did, did not provide adequate information for the Committee to assess whether those states are implementing their obligations. To follow up, the Committee has been sending letters to countries seeking additional information. For states receiving these requests, it is crucial that they respond in a

timely and responsive manner. The United States itself received a letter in late June and submitted the requested additional information this past week.

Resolution 1540 is already having a positive impact on nonproliferation work worldwide. States recognize that preventing proliferation and cooperative efforts to stop trafficking in WMD have the UN imprimatur and are more willing to participate in and support nonproliferation activities. However, there remains unrealized potential for Resolution 1540 to help states' develop their capacity to prevent WMD terrorism. The United States is increasingly disturbed by some countries that want to set 1540 aside, ignore its value as a tool against proliferation, or to recognize it as a UNSC product that sets binding legal obligations on all UN member states.

Some countries may need assistance in formulating their countries' reports, in responding to requests for additional information, and in implementing changes identified in the 1540 Committee review process. All of us gathered here must redouble our advocacy efforts – individually and collectively – in support of Resolution 1540 implementation. Some states have not yet recognized 1540 as a basic legal underpinning to address nonproliferation as has been the case in UN Security Council resolutions dealing with counterterrorism. We need the practical imperative of 1540 for nonproliferation to resonate with all states and for them to take stock of, and improve, their national capacity.

Too many states appear to view the 1540 Committee as responsible for achieving the full implementation of the resolution. 1540 was drafted to put the onus on States to undertake actions to implement the resolution's obligations, since only states can enact and enforce effect controls within their territories on WMD and missile-related technologies. 1540 calls for States to act, not wait to be told by the

Committee whether or not they are fully meeting their obligations. Proliferators are not sitting idle; they are moving aggressively to exploit weaknesses in our efforts to prevent the proliferation of these technologies.

My appeal to you today is not to view the 1540 Committee's work as the sole barometer for success in implementing the resolution. It is crucial that each country take responsibility to ensure their legal and regulatory frameworks are as strong as they need to be to defeat proliferators. The U.S. did not wait for the 1540 Committee to tell it that it should have in place additional legal tools to prevent proliferation financing. We identified this deficiency on our own and promulgated an Executive Order that directs the Secretaries of State and Treasury to freeze the assets of designated entities engaged in proliferation. This Order prohibits U.S. persons from engaging in any relationship with these entities. We encourage other governments to put in place similar authorities to address the actions of their own citizens who might support the financial activities of known proliferators. We encourage your governments to reach out to those not yet meeting the standards of Resolution 1540 to put in place and enforce strong export control laws. We encourage your governments to reach out to those governments that have not yet submitted their 1540 reports and explain the importance of working with the 1540 Committee to identify weaknesses in their own proliferation laws and capabilities. Working together we can ensure that Resolution 1540 becomes, as intended, the impetus for effective national actions to deter and defeat the proliferators.

Conclusion:

The United States is working daily to create a stronger and more effective "multi-layered defense" against WMD proliferation. We have witnessed some

impressive successes, but we cannot rest on our nonproliferation laurels. We must be as agile and aggressive in preventing proliferation as those who seek these deadly capabilities. Success will require collaboration, vigilance, and commitment. The task is too big, too important and too complex for any one nation, for any one tool, for any one international organization or voluntary arrangement to tackle in isolation of the others. The United States will continue to do its part to strive for collaborative solutions that work. In doing so, the U.S. looks to each country here to assist in this important joint effort to identify both what needs to be done and what more must be done to make our multi-layered proliferation defenses effective.

Thank you.