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Refitting the nonproliferation shield

As the cliché goes, everything changed on September 11. Unfortunately, the international institutions concerned with preventing the proliferation of nuclear weapons have not changed, despite the obvious risk posed by nuclear-armed rogue states partnered with terrorist organizations. The United States must act now to ensure a reliable international nonproliferation system, before the impalpable becomes frightfully real. BY TOBIAS HARRIS

During the two years since September 11, the conditions of the new era have forced the United States and its allies to seriously consider the possibility of a nuclear, chemical, or biological strike that would dwarf the scale of the attacks on the World Trade Center and the Pentagon. A nuclear “9-11” would deal a crippling blow to the global economy while imperiling American leadership and forcing the federal government to impose domestic security laws that could truly erode civil liberties. In one sense, the Bush administration has proved willing to challenge nuclear proliferation, launching a war to topple one of the most dangerous and persistent would-be proliferators. The administration has not, however, demonstrated similar determination in the non-military areas of nonproliferation. Having plucked the low-hanging fruit of Iraq, the United States now faces two committed proliferators in Iran and North Korea, and thus far it has floundered. The Bush administration does not deserve all the blame for allowing these two crises to develop; indeed, much of the responsibility must fall on the shoulders of the International Atomic Energy Agency (IAEA), an agency which has proved largely unable to confront contemporary proliferation threats.

The NPT/IAEA system, launched in 1970, is overdue for a total overhaul. As the international security environment changes so too must the international organizations responsible for subverting threats and preserving international peace. In the National Strategy to Combat Weapons of Mass Destruction, released in December 2002, the Bush administration expressed its support for strengthening international nonproliferation mechanisms, noting, “We must enhance traditional measures – diplomacy, arms control, multilateral agreements, threat reduction assistance, and export controls – that seek to dissuade or impede proliferant states and terrorist networks...” The administration would go a long way towards converting rhetoric into reality by initiating an international dialogue on the future of the IAEA. The stakes of proliferation in an age of terror are too great for America and its allies to rely on ineffectual international institutions for security. The international community must assess the IAEA’s record and implement meaningful reforms, or, if it deems the Agency beyond repair, the United States must spearhead the formation of a more robust organization to complement the IAEA, one prepared to challenge nuclear proliferation on all fronts.

There are several reasons to doubt the IAEA’s staying power in the new century, not least the curse of its origins. The IAEA came into existence in 1957, the brainchild of President Eisenhower, who envisioned an international organization that would facilitate the transfer and use of nuclear power for peaceful activities. While the Agency’s framers designed the safeguards system to detect the diversion of material towards a nuclear weapons program, the IAEA was

largely unconcerned with nuclear weapons. Indeed, for much of its existence, the Agency's inspectorate has been more concerned with nations like Japan and Germany, which have large nuclear power industries and thus significant quantities of nuclear material, than with potential proliferators. Despite the IAEA's limited mission, the Nuclear Nonproliferation Treaty (NPT), which entered into force in 1970, named the Agency responsible for enforcing the NPT. The IAEA changed little despite its new responsibilities, merely expanding the safeguards system by requiring every NPT signatory to sign a comprehensive safeguards agreement, essentially a declaration of all of the nuclear facilities and material within the state's borders.

It took two decades before the world realized how poorly prepared the IAEA was for countering nuclear proliferation, when the aftermath of the Gulf War revealed that Iraq, a supposedly upstanding member of the IAEA and even a member of its Board of Governors, had come dangerously close to constructing a nuclear weapon. The IAEA's ineptitude was unveiled for the world to see: as late as August 1990, an IAEA inspector had declared, "We have found no evidence of diversion from their civil programme to military. We have no reason to doubt Iraq's adherence to their treaty obligations." Postwar inspections under the auspices of UN Security Council resolutions 687, 707 and 715 revealed the extent to which Iraq had duped the IAEA. Despite annual inspections by the Agency, Iraq had a well-funded, extensive nuclear weapons program that had remained clandestine for nearly a decade. As inspectors revealed the breadth of the Iraqi program, the IAEA confronted its greatest existential crisis ever. Until that time, no signatories to the NPT had subsequently joined the nuclear club. Iraq, however, was a full-fledged member of the NPT/IAEA system and yet could well have developed a nuclear weapon without the IAEA's knowledge had it not been for the invasion of Kuwait.

The Iraq debacle prompted the IAEA to strengthen its safeguards system and inspectorate, but these reforms seem to be little more than cosmetic changes. The official history of the IAEA identifies the real problem the Agency faces: "The Iraqi case showed that a determined and authoritarian State with very large financial resources and a skilled and dedicated nuclear establishment could defy its obligations under the NPT and evade detection for many years." The IAEA, from its inception ill suited to the task of nonproliferation, now faces regimes determined to acquire nuclear weapons. These regimes are more tenacious than the Agency, which lacks a mandate that would empower it to confront potential proliferators face-to-face. The IAEA has, however, shown a greater willingness to doggedly resist proliferation since Iraq nearly broke into the nuclear club. In the showdowns with Iran and North Korea that continue into the present day, the Agency has been more suspicious of potential proliferators and willing to involve the UN Security Council in nonproliferation. Just recently the IAEA warned Iran that if it fails to reveal its nuclear intentions in full by October 31, it risks incurring Security Council sanctions, a move that garnered praise from American policymakers. This display of the Agency's muscle may be indicative of a new attitude in Vienna: an appreciation of the serious risks posed by nuclear proliferation.

If this is indeed the case, the Agency may still have a role to play in countering proliferation. Given the IAEA's track record, however, the United States is wisely exploring alternative means of nonproliferation, recently launching the Proliferation Security Initiative (PSI), a "minilateral" group of 11 NPT signatories willing to support more robust nonproliferation measures. According to a statement issued by Undersecretary of State for Arms Control and International

Security Affairs John Bolton at a PSI meeting in Paris, "PSI efforts are not aimed at any one country, but at halting worldwide trafficking in WMD, delivery systems, and related materials...Under the PSI, the U.S. seeks to cooperate with other countries, such that our collective efforts will allow the maximum possible action to defeat proliferation." The Initiative focuses on land, air, and sea interdiction, and member states conducted their first maritime training exercise in mid-September in the Coral Sea. The PSI indicates a willingness to consider new approaches to nonproliferation on the part of the United States and its allies: if the traditional means of nonproliferation are inadequate, the times call for flexibility. Equally important, the PSI expresses a willingness on the part of the United States to work with partners in an area not especially conducive to unilateral action. Preventing the spread of nuclear weapons requires broad international support, or else the sanctions and export controls critical to nonproliferation will be too porous and doomed to fail. Brandeis University Professor Robert Art warns, however, that the PSI "better look like a joint multilateral effort...otherwise, it will just look like more American unilateralism." The Bush administration appears to recognize the necessarily multilateral nature of nonproliferation efforts. The aforementioned National Strategy notes, "WMD represent a threat not just to the United States, but also to our friends and allies and the broader international community. For this reason, it is vital that we work closely with like-minded countries on all elements of our comprehensive proliferation strategy." While the PSI may play only a limited role in nonproliferation, it could lead to greater international interest in strengthening the mechanisms that keep nuclear weapons out of the hands of unsavory governments and individuals.

Should the PSI prove successful in the coming months and years, the United States should use its success to push for the creation of an intergovernmental agency under the auspices of the Security Council. This organization would serve as the political arm of the struggle against proliferation, buttressing rather than replacing the IAEA. The IAEA, for all its failings, possesses considerable inspection experience and provides invaluable eyes on the ground in potential nuclear-armed states, but lacks the political and military resources necessary to provide a comprehensive challenge to would-be proliferators. A political nonproliferation agency would provide an active defense against nuclear proliferation, taking the fight to the rogue states instead of simply waiting for the IAEA to stumble upon a hidden nuclear facility, leading to a tedious cat-and-mouse game that simply provides the offending state time to shuffle its nuclear program around and bury it deeper or, even worse, launch a crash program like Saddam Hussein attempted in 1990. Such an agency would be the setting in which to coordinate international nonproliferation efforts by land, air, and sea and within the global marketplace. It would oversee interdiction missions, facilitate intelligence-sharing, recommend sanctions and export controls to the Security Council, provide logistical support for the IAEA and recommend if and when force should be used against states determined to acquire nuclear weapons despite the best efforts of the international community.

Without the international will to expand the global nonproliferation system, however, reform will be impossible. Intergovernmental organizations are only as strong as the nations concerned are willing to make them, hence the glaring weaknesses of the existing nonproliferation regime. The Bush administration must demonstrate why nuclear nonproliferation requires comprehensive international architecture and the willingness to use it. America cannot prevent the spread of nuclear weapons alone, since, while toppling possible proliferators or launching air strikes

against nuclear weapons facilities is well within American capabilities, the exorbitant costs associated with preemption mean that it is more a strategy of last resort than a universal doctrine. Coercion short of war, essential to stopping rogue states, depends on international cooperation. If the United States cannot convince the international community to support a strengthened nonproliferation regime, it must once again rely on the second-best option, a coalition of the willing, in this case the PSI and any similar agreements that may follow. Now is the time to improve the tools available to stop nuclear proliferation, whether by strengthening the IAEA or creating new minilateral or multilateral organizations that enhance the world's ability to halt possible proliferators. The alternative is to trust luck and the existing IAEA, hoping that the rickety nonproliferation shield can keep nuclear weapons away from Kim Jong Il, the clerics in Teheran and terrorists who may find their way to the streets of American cities.