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POLICY WORKSHOP 591f

Strengthening National Capacities to Prevent Proliferation

(WWS-591f, Fall 2006)

Sessions: Mondays, 1:00-4:00 PM

Conference Room, Program on Science & Global Security, 221 Nassau St, 2nd floor

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Background

In recent years, the challenge posed by weapons of mass destruction (WMD) has expanded to include concerns about possible terrorist use of such weapons. 9/11 and prior and subsequent attacks in Africa, Europe Asia and the Middle East have demonstrated that some of today's terrorist groups are willing to carry out mass-casualty operations against civilians. Since 9/11, evidence has accumulated that al-Qaeda and other terrorist groups are actively seeking nuclear, biological, chemical, and radiological weapons. Osama bin Laden has called the acquisition of such capabilities a "religious duty."

Revelations about the international nuclear black market network operated by A.Q. Khan, the former head of Pakistan's uranium-enrichment program, have also highlighted the changing character of the proliferation threat. Khan and his network provided critical assistance to Iran, North Korea, Libya, and perhaps other countries in their acquisition of gas-centrifuge technology for their own covert uranium enrichment programs. No longer

are the governments of a relatively small number of advanced industrial countries the only sources of the technology needed for WMD programs. With the A.Q. Khan network, we have seen the privatization and globalization of commerce in nuclear technology, with a shadowy network of private entrepreneurs located in Western Europe, Turkey, Dubai, South Africa, Malaysia, Pakistan and elsewhere collaborating to circumvent national export control systems.

What 9/11 and A.Q. Khan made clear, therefore, is that it is not enough to focus on the behavior of states. International nonproliferation efforts must also address the activities of non-state actors – including those that can supply WMD-related goods and technologies as well as those that seek them. Moreover, those nonproliferation efforts must be truly global. Even countries that have no interest in acquiring WMD themselves can make major and unwitting contributions to WMD programs elsewhere (e.g., manufacture in Malaysia of precision components for centrifuges bound for Libya and the use of Dubai as a critical trans-shipment hub for the Khan network). WMD suppliers and recipients looking for the weakest point in the fence could exploit almost any country that has useful infrastructure and lacks effective nonproliferation controls .

United Nations Security Council resolution 1540,¹ which was adopted unanimously in April 2004, was an attempt to deal with this aspect of the proliferation threat, especially the threat posed by non-state actors. Adopted under Chapter 7 of the U.N. Charter,² which means that it is legally binding on U.N. members, resolution 1540 requires that all U.N. member states put in place effective domestic laws, export controls, physical security measures, and enforcement mechanisms to thwart the acquisition of WMD-related materials and technologies, both by additional states and non-state actors. It also covers means of delivery of WMD – notably long-range missiles

The resolution also established the *1540 Committee*, consisting of representatives of all fifteen countries serving on the Security Council, to help implement the resolution's ambitious mandate. The 1540 Committee and its staff of experts are charged with reviewing the reports that all U.N. members are obliged to provide on progress they were making in putting in place the necessary controls. The Committee is then to identify deficiencies in national control systems and facilitate the provision of assistance to countries in remedying those deficiencies. Notwithstanding the role assigned to the Committee, the main responsibility for implementing the resolution – and strengthening national capacities to stop proliferation – was expected to fall on member governments themselves.

Although resolution 1540 was hailed as an innovative and unprecedented means of dealing with the non-state actor threat, the followup during the first two years following its adoption was underwhelming. Many governments provided their reports late or not at all, and many of those provided were inadequate. The Committee was slow to hire

¹ U.N. Security Council Resolutions may be found at <http://www.un.org/docs/sc/index.html>

² Chapter 7: “Actions with respect to threat to the peace, breaches of the peace, and acts of aggression,”

experts and establish methodologies for reviewing and evaluating the national reports.³ And differences emerged on how demanding the Committee should be in monitoring the performance of states and pressing for improvements – and even on whether it is legitimate for the Security Council, consisting of only 15 member states, to impose legal obligations on all U.N. members in the area of proliferation controls.

While resolution 1540 is in force indefinitely, the mandate of the 1540 Committee was only two years. In April 2006, at the end of the Committee's initial two-year mandate, the Security Council adopted resolution 1673 which extended the mandate of the 1540 Committee for two more years and called on the Committee to intensify its work.

The Task

Against this background, workshop members will form a task force charged with developing a set of proposals aimed at improving the implementation of resolution 1540 and realizing its potential for strengthening the capacity of U.N. member governments to prevent the proliferation of WMD. The principal audiences for the task force's proposals will be the United States Government, other key governments represented on the 1540 Committee (including, the other permanent members, China, France, Russia, U.K.), and the current Chairman of the 1540 Committee (from Slovakia in 2006). Helping guide the task force will be Robert Einhorn (WWS MPA and former Assistant Secretary of State for Nonproliferation) and Frank von Hippel (physicist and former Assistant Director for National Security in the White House Office of Science and Technology Policy).

The first two weeks of the workshop will consist of introductory briefings by Einhorn and von Hippel, assignment of individual background papers, and discussions of mid-semester field research. Workshop members are urged to do as much reading as possible in advance and during these first two weeks.

During the third and fourth weeks, visitors will be invited to Princeton to make presentations and join in discussions with workshop members. The visitors will include U.S. State Department officials, officials from foreign missions to the United Nations who represent their governments in the 1540 Committee, 1540 Committee staff experts, and representatives of the U.N. Secretary-General. Schedule permitting, workshop members will spend a day in New York for a series of meetings with key New York-based officials.

Weeks five and six will be devoted to Powerpoint presentations by all workshop members on their individual assignments. These presentations will be based on 4000-5000 word, well-referenced background papers, each of which will address a separate component of the group's project. The purpose of the presentations will be to give all

³ The 1540 Committee's website, including its program of work, guidelines for national reports, national submissions, a database of relevant national legislation, and the progress reports submitted by the Committee chairman to the UN Security Council, is at <http://disarmament2.un.org/Committee1540/index.html>

task force members a working knowledge of the key issues they will be addressing during their field research and subsequent preparation of the task force report. Among the topics to be addressed in the individual background papers:

1. Legitimacy and legitimizing function of the Security Council imposing obligations on all U.N. members in the area of proliferation controls.
2. National legislation needed to criminalize proliferant behavior by individuals and entities under a state's jurisdiction and its enforcement.
3. The nuclear black market, as illustrated by the A.Q. Khan supply network, and Iranians and North Korean acquisition efforts, and strategies to eradicate it.
4. Promoting effective national export control systems in the context of the existing international and multinational regimes.
5. Strengthening border controls and interdicting illicit shipments (including via the Proliferation Security Initiative).
6. Strengthening physical protection of WMD-relevant installations and materials.
7. Contributions of the International Atomic Energy Agency (IAEA) to implementation of 1540.
8. Contributions of the Organization for the Prohibition of Chemical Weapons (OPCW) to the implementation of 1540
9. Contributions of the World Health Organization, BWC Review Conference and other sources of expertise to assist the 1540 Committee in addressing the threat of biological weapons.
10. Russian and Chinese approaches to implementing 1540.
11. Non-aligned states' attitudes toward implementing 1540.
12. Assisting states to meet the requirements of 1540, and resources needed for such assistance including the G8+ Global Partnership Against the Spread of Weapons of Mass Destruction and U.S.-fSU cooperative nonproliferation programs.

During the mid-semester break, task force teams (probably three teams) will conduct field research. Among the options for the trips will be: (1) London and Paris; (2) Beijing; (3) Vienna (IAEA) and The Hague (OPCW); and (4) non-aligned capitals, perhaps Brasilia and Buenos Aires. Decisions on travel – both the locations to be visited and which task force members will go on each trip – must be made in the first few weeks of the semester.

During week seven, each of the travel groups will brief other task force members on what they learned. In addition, members will begin discussing how to approach the group's joint report.

Weeks eight through twelve will be devoted to producing the joint report, which will consist of a written paper of 10-20 pages plus appendices as well as a Powerpoint presentation for use in briefing key audiences. Both products should be completed and turned in by Friday, December 15.

During the reading and examination period, January 8-27, at times to be arranged, the task force will travel to Washington and New York to present their proposals. In Washington, they will meet with officials from the State Department, the National Security Council staff, and perhaps other offices. In New York, they will brief their report to key foreign missions to the United Nations, to the Chairman of the 1540 Committee, and to the U.N. Undersecretary General for Disarmament Affairs.

Readings

[Students should buy *Deadly Arsenals*. Most of the other readings are available on the web. Some (marked by *) will be made available on the workshop website.]

General Non-Proliferation

Joseph Cirincione, Jon Wolfsthal, Miriam Rajkumar, *Deadly Arsenals: Nuclear, Biological, and Chemical Threats*, Carnegie Endowment for International Peace, 2005, pp. 1-118:

1. Global Trends
2. The International Non-proliferation Regime
3. Nuclear weapons and materials
4. Biological and chemical weapons, agents and proliferation
5. Missile proliferation

[Link to purchasing information and overview chapter:

<http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=16650&prog=zgp&proj=znpp>]

*Concluding Chapter, Kurt M. Campbell, Robert J. Einhorn, Mitchell B. Reiss, eds, *The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices*, Brookings Institution Press, 2004.

“Assessing the Global Partnership: From Kananaskis to St. Petersburg,” Center for Strategic and International Studies, July 2006,

<http://www.sgpproject.org/publications/SGPAssessment2006.pdf>

Export Control Resource page on the Arms Control Association website,

<http://www.armscontrol.org/subject/ec/>

United Nations/1540 Committee

Official web-site of the UN Security Council 1540 Committee,
<http://disarmament2.un.org/Committee1540/index>

United Nations Security Council Resolution 1540 (2004), S/RES/1540 (2004), April 28, 2004, [http://disarmament2.un.org/committee1540/Res1540\(E\).pdf](http://disarmament2.un.org/committee1540/Res1540(E).pdf)

Statements during the April 22, 2004 Open Debate of the UN Security Council in which non-members of the Security Council were invited to present their views on the draft resolution, Reaching Critical Will website, [especially statements by India, Pakistan, South Africa, Brazil] <http://www.reachingcriticalwill.org/political/SC/SC.html#debate>

United Nations General Assembly Resolution A/RES/59/66, “National legislation on transfer of arms, military equipment and dual-use goods and technology,” December 10, 2004, <http://www.un.org/Depts/dhl/resguide/r59.htm>

Reports to the Security Council by the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), December 8, 2004 and Corrigendum; December 16, 2005, and April 25, 2006,
<http://disarmament2.un.org/Committee1540/chairreport.html>

Briefings to the Security Council by the Chairman of the 1540 Committee (April 25, 2005; July 20, 2005; October 26, 2005; February 21, 2006; and May 30, 2006),
<http://disarmament2.un.org/Committee1540/meeting.html>

United Nations Security Council Resolution 1673 (2006), S/RES/1673 (2006),
<http://daccess-ods.un.org/TMP/5972423.html>

Bush Administration Nonproliferation & 1540 Policies

Statement by His Excellency Mr. George W. Bush, President of the United States of America, Address to the United Nations General Assembly September 23, 2003 [paragraphs 19-22], <http://www.un.org/webcast/ga/58/statements/usaeng030923.htm>

Remarks by the President on Weapons of Mass Destruction Proliferation, National Defense University, February 11, 2004,
<http://www.whitehouse.gov/news/releases/2004/02/print/20040211-4.html>

Statement by Ambassador James B. Cunningham, Deputy United States Representative to the United Nations, on the Draft Non-Proliferation Resolution, in the Security Council, April 22, 2004, http://www.un.int/usa/04_059.htm

Explanation of Vote by Ambassador James B. Cunningham, Deputy U.S. Permanent Representative to the United Nations, on the Non-Proliferation Resolution, in the Security Council, April 28, 2004, http://www.un.int/usa/04_066.htm

Andrew K. Semmel, Principal Deputy Assistant Secretary of State for Nuclear Nonproliferation, “The U.S. Perspective on UN Security Council Resolution 1540,” Remarks to the Asia-Pacific Nuclear Safeguards and Security Conference; Sydney, Australia, November 8, 2004, <http://www.state.gov/t/isn/rls/rm/38256.htm>; and “Nuclear Proliferation: Today’s Challenges and the U.S. Response,” Remarks at Washington and Lee University, February 24, 2006, <http://www.state.gov/t/isn/rls/rm/62181.htm>

Robert G. Joseph, Under Secretary for Arms Control and International Security “The Bush Administration Approach to Combating the Proliferation of Weapons of Mass Destruction,” Remarks to Carnegie International Nonproliferation Conference, November 7, 2005, <http://www.state.gov/t/us/rm/56584.htm>; “U.S. Strategy to Combat the Proliferation of Weapons of Mass Destruction,” Written Statement to the Senate Armed Services Committee Subcommittee on Emerging Threats and Capabilities; March 29, 2006, <http://www.state.gov/t/us/rm/63877.htm>; and “The Global Initiative to Combat Nuclear Terrorism: A Comprehensive Approach to Today’s Most Serious National Security Threat,” Remarks to the Capitol Hill Club, July 18, 2006, <http://www.state.gov/t/us/rm/69124.htm>

Executive Order: Blocking Property of Weapons of Mass Destruction Proliferators and their Supporters, June 29, 2006, <http://www.whitehouse.gov/news/releases/2005/06/print/20050629.html>

Other perspectives on how to implement nonproliferation

Mohamed ElBaradei, Director General of the International Atomic Energy Agency, “Towards A Safer World,” Op-Ed, *The Economist*, October 16, 2003, <http://www.iaea.org/NewsCenter/Statements/2003/ebTE20031016.html>

Mohamed ElBaradei, Director General of the International Atomic Energy Agency, “Nuclear Non-Proliferation and Arms Control: Are We Making Progress?” Remarks to the Carnegie International Non-Proliferation Conference, November 7, 2005, <http://www.iaea.org/NewsCenter/Statements/2005/ebsp2005n017.html>

George Perkovich, Jessica T. Matthews, Joseph Cirincione, Rose Gottemoeller, Jon B. Wolfsthal, *Universal Compliance: A Strategy for Nuclear Security*, Carnegie Endowment for International Peace, March 2005, <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=16593&prog=zgp&proj=znpp>

The WMD Commission Report, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, 2006, especially chapters 7 and 8, http://www.wmdcommission.org/files/Weapons_of_Terror.pdf

UNSCR 1540 Readings

“Deterring death and destruction: Catastrophic terrorism and the proliferation of nuclear, chemical, and biological weapons” in *American Interests and UN Reform: Report of the Task Force on the United Nations* (United States Institute of Peace, 2005) pp. 63-86, <http://www.usip.org/un/report/>

Gabriel H. Oosthuizen and Elizabeth Wilmshurst, “Terrorism and Weapons of Mass Destruction: United Nations Security Council Resolution 1540,” Briefing Paper, International Law Programme, Chatham House, BP 04/01, September 2004, <http://www.chathamhouse.org.uk/viewdocument.php?documentid=4983> [More on NGO involvement in the debate over 1540 can be found at <http://www.reachingcriticalwill.org/political/SC/SC.html>]

Bruno Demeyere, “The Proliferation of International Nuclear Law’s Actors: Resolution 1540 and the Security Council’s Fight Against Weapons of Mass Destruction Falling Into Terrorists’ Hands,” Institute for International Law, Working Paper No. 82, November 2005; <http://www.law.kuleuven.ac.be/iir/nl/wp/WP/WP82e.pdf>

Wade Boese, “Implications of UN Security Council Resolution 1540,” Presentation to the Institute of Nuclear Materials Management Panel Discussion, March 15, 2005, http://www.armscontrol.org/events/20050315_1540.asp?print

Cassady Craft, “Challenge of UNSCR 1540: Questions about International Export Controls,” CITS Briefs, Center for International Trade and Security, The University of Georgia, http://www.uga.edu/cits/documents/pdf/Briefs/CITSBrief_002.pdf

“Black Markets, Loopholes, and Trade Controls,” Transcript of Panel Discussion, Carnegie International Non-Proliferation Conference, November 8, 2005, http://www.carnegieendowment.org/static/npp/2005conference/2005_conference.htm; Richard T. Cupitt, “Export Controls and Implementing UNSC Resolution 1540 (2004),” Presentation to the Carnegie International Non-Proliferation Conference, November 8, 2005, http://www.carnegieendowment.org/static/npp/2005conference/presentations/cupitt_export_controls.pdf

Lars Olberg, “Implementing Resolution 1540: What the National Reports Indicate,” *Disarmament Diplomacy*, Issue No. 82, Spring 2006, <http://www.acronym.org.uk/dd/dd82/82lo.htm>

Scott Jones, “Resolution 1540: Universalizing Export Control Standards?” *Arms Control Today*, May 2006, http://www.armscontrol.org/act/2006_05/1540.asp?print

Oliver Bosch and Peter van Ham, eds., Global Non-Proliferation and Counter-Terrorism: The Impact of UNSCR 1540, Brookings/Chatham House/Clingendael co-publication, Forthcoming Autumn 2006.

*Peter Crail, "Examining the Role of Prioritization in the Implementation of Security Council Resolution 1540," *The Nonproliferation Review*, Forthcoming.

*Karyn R. Durbin and Stephen V. Mladineo, "U.N. Security Council Resolution 1540: Taking Stock," Paper for the Institute of Nuclear Materials Management, July 2006.

A.Q. Khan Network

David Albright and Corey Hinderstein, "The A.Q. Khan Illicit Nuclear Trade Network and Implications for Nonproliferation Efforts," *Strategic Insights*, Volume V, Issue 6, July 2006, <http://www.ccc.nps.navy.mil/si/2006/Jul/albrightJul06.asp>; and David Albright and Corey Hinderstein, "Unraveling the A. Q. Khan and Future Proliferation Networks," *The Washington Quarterly* 28:2, pp. 111-128, Spring 2005; http://www.twq.com/05spring/docs/05spring_albright.pdf (slight variations on the same article).

*Steve Coll, "The Atomic Emporium: Abdul Qadeer Khan and Iran's race to build the bomb," *New Yorker*, August 7 & 14, 2006.