USE OF THESES

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COMMON ENDS, DIVERGENT MEANS:
US and Australian Responses to Proliferation
(Chemical, Biological, Missile)

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A thesis submitted for the degree of
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of the Australian National University
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This thesis is my own original work

David A. Cooper
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This study is dedicated to past and present colleagues in the various agencies of the United States and Australian governments, who despite their many differences, share a common, steadfast dedication to the anti-proliferation cause, and whose tireless and often unsung efforts have pre-empted untold catastrophes by denying their very instrumentality. They too served who kept the dogs from barking!
ABSTRACT

Western governments have focused increasing attention over the past decade on combating the proliferation of weapons of mass destruction (WMD) and associated means of delivery. However, there has been relatively little scholarly examination of their individual anti-proliferation strategies, and virtually no meaningful attempt at comparison. The extant literature on proliferation therefore fails to illuminate the national preferences among influential supplier states that presumably have shaped international efforts to curb proliferation. This gap in knowledge fosters assumptions about the 'like-mindedness' of Western responses to proliferation that essentially remain untested.

This dissertation promotes and contributes to a nascent research agenda focusing on responses to proliferation at the national level by comprehensively examining the policies of two pivotal members of the Western anti-proliferation coalition. It addresses the central questions of how and why two close strategic allies and dedicated anti-proliferation partners might disagree on the means by which to achieve common anti-proliferation goals.

The study constructs an original analytic framework by which to categorise and examine national responses to proliferation. It then utilises this framework as the basis for discrete empirical investigations of the anti-proliferation policies of the United States and Australia since the mid-1980s in the areas of chemical weapons (CW), biological weapons (BW), and missiles. Using a structured, comparative case studies methodology, it yields comprehensive comparative findings and analysis.

The study's major comparative finding is that the United States and Australia have favoured markedly different, and not entirely complementary, anti-proliferation approaches. This divergence has been consistent over time and across the various proliferation areas. Its comparative analysis then infers that, because the likely explanations for this finding include causal variables that also distinguish other key supplier states – e.g. differences in the perceived geopolitical threats posed by proliferation – similar national divergence almost certainly extends to other Western governments. This in turn suggests that the superficial appearance of Western unanimity in responding to proliferation is misleading.

The study concludes by suggesting that significant fissures among the national policy preferences of Western supplier states has negative implications for their ability to advance common anti-proliferation goals effectively.
<table>
<thead>
<tr>
<th>ACRONYMS</th>
<th>Full Name</th>
</tr>
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<tbody>
<tr>
<td>ACDA</td>
<td>Arms Control and Disarmament Agency (US)</td>
</tr>
<tr>
<td>ACME</td>
<td>Arms Control Middle East initiative (also known as P-5 Process)</td>
</tr>
<tr>
<td>ADF</td>
<td>Australian Defence Force</td>
</tr>
<tr>
<td>AG</td>
<td>Australia Group</td>
</tr>
<tr>
<td>AHG</td>
<td>BWC Ad Hoc Group (compliance protocol negotiations)</td>
</tr>
<tr>
<td>ANZUS</td>
<td>Australia-New Zealand-United States security agreement</td>
</tr>
<tr>
<td>ARF</td>
<td>ASEAN Regional Forum</td>
</tr>
<tr>
<td>BDA</td>
<td>Bilateral Destruction Agreement, US-USSR/Russia</td>
</tr>
<tr>
<td>BMD</td>
<td>ballistic missile defence</td>
</tr>
<tr>
<td>BMDO</td>
<td>Ballistic Missile Defense Organization, DOD (US) (formerly SDIO)</td>
</tr>
<tr>
<td>BW</td>
<td>biological/bacteriological and toxin weapons</td>
</tr>
<tr>
<td>BWC</td>
<td>Biological Weapons Convention (also known as BTWC)</td>
</tr>
<tr>
<td>CBM</td>
<td>confidence building measure</td>
</tr>
<tr>
<td>CB/M</td>
<td>chemical and biological weapons and missiles</td>
</tr>
<tr>
<td>CBW</td>
<td>chemical and biological/bacteriological and toxin weapons</td>
</tr>
<tr>
<td>CD</td>
<td>Conference on Disarmament, Geneva (also used to signify antecedent Committee on Disarmament; formerly CCD)</td>
</tr>
<tr>
<td>CCD</td>
<td>Conference of the Committee on Disarmament, Geneva (antecedent to CD)</td>
</tr>
<tr>
<td>CEP</td>
<td>circular error of probability (measure of missile accuracy)</td>
</tr>
<tr>
<td>CFE</td>
<td>Conventional Forces Europe treaty (NATO, former Warsaw Pact)</td>
</tr>
<tr>
<td>CIA</td>
<td>Central Intelligence Agency (US)</td>
</tr>
<tr>
<td>CMA</td>
<td>Chemical Manufacturers Association (US)</td>
</tr>
<tr>
<td>COCOM</td>
<td>Coordinating Committee on Multilateral Export Controls</td>
</tr>
<tr>
<td>CTBT</td>
<td>Comprehensive Test Ban Treaty (nuclear)</td>
</tr>
<tr>
<td>CTR</td>
<td>Cooperative Threat Reduction program, DOD (US) (also known as Nunn-Lugar program)</td>
</tr>
<tr>
<td>CW</td>
<td>chemical weapons</td>
</tr>
<tr>
<td>CWC</td>
<td>Chemical Weapons Convention</td>
</tr>
<tr>
<td>CWRI</td>
<td>Chemical Weapons Regional Initiative (AUS)</td>
</tr>
<tr>
<td>DIA</td>
<td>Defense Intelligence Agency (US)</td>
</tr>
<tr>
<td>DOD</td>
<td>Department of Defence (AUS); Department of Defense (US)</td>
</tr>
<tr>
<td>DOE</td>
<td>Department of Energy (US)</td>
</tr>
<tr>
<td>DFA</td>
<td>Department of Foreign Affairs (AUS) (antecedent to DFAT)</td>
</tr>
<tr>
<td>DFAT</td>
<td>Department of Foreign Affairs and Trade (AUS) (succeeded DFA after merger with Department of Trade and Commerce)</td>
</tr>
<tr>
<td>DGP</td>
<td>Defense Group on Proliferation (NATO)</td>
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<tr>
<td>DSTO</td>
<td>Defence Science and Technical Organisation (AUS)</td>
</tr>
<tr>
<td>DTRA</td>
<td>Defense Threat Reduction Agency (US)</td>
</tr>
<tr>
<td>EC</td>
<td>European Community (antecedent to EU)</td>
</tr>
<tr>
<td>EPCI</td>
<td>Enhanced Proliferation Control Initiative (US nonproliferation export control ‘catch-all’ regulations, December 1990)</td>
</tr>
<tr>
<td>EU</td>
<td>European Union (formerly EC)</td>
</tr>
<tr>
<td>FOI</td>
<td>Freedom of Information law (AUS)</td>
</tr>
<tr>
<td>FOIA</td>
<td>Freedom of Information Act (US)</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>--------------</td>
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</tr>
<tr>
<td>FSU</td>
<td>former Soviet Union (ie., successor states)</td>
</tr>
<tr>
<td>G-7</td>
<td>group of seven industrialised countries</td>
</tr>
<tr>
<td>GAO</td>
<td>General Accounting Office (US) (investigative arm of Congress)</td>
</tr>
<tr>
<td>GPALS</td>
<td>global protection against limited strikes (US proliferation-oriented missile defence concept)</td>
</tr>
<tr>
<td>GPS</td>
<td>Global Positioning System (satellite navigation)</td>
</tr>
<tr>
<td>IC</td>
<td>Intelligence Community (US) (i.e. all intelligence agencies)</td>
</tr>
<tr>
<td>ICBM</td>
<td>intercontinental ballistic missile (&gt;5500km)</td>
</tr>
<tr>
<td>INF</td>
<td>Intermediate Nuclear Forces treaty (US-USSR/FSU)</td>
</tr>
<tr>
<td>IRBM</td>
<td>intermediate/medium range ballistic missile (500-5500km)</td>
</tr>
<tr>
<td>IR</td>
<td>international relations (academic)</td>
</tr>
<tr>
<td>JCS</td>
<td>Joint Chiefs of Staff, Office of (US)</td>
</tr>
<tr>
<td>MOU</td>
<td>memorandum of understanding</td>
</tr>
<tr>
<td>MRMB</td>
<td>Medium Range Missile Ban proposal</td>
</tr>
<tr>
<td>MTAG</td>
<td>Missile Technology Analysis Group (US interagency interdiction group)</td>
</tr>
<tr>
<td>MTCR</td>
<td>Missile Technology Control Regime</td>
</tr>
<tr>
<td>MTEC</td>
<td>Missile Technology Export Committee (US interagency export licensing group)</td>
</tr>
<tr>
<td>MTOPS</td>
<td>millions of theoretical operations per second (quantitative unit measuring computer capability)</td>
</tr>
<tr>
<td>NAM</td>
<td>Non-aligned Movement</td>
</tr>
<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
</tr>
<tr>
<td>NBC</td>
<td>nuclear, biological, and chemical weapons (also known as WMD, special weapons, non-conventional weapons)</td>
</tr>
<tr>
<td>NIS</td>
<td>Newly Independent States (former Soviet Union, generally excluding Russian Federation)</td>
</tr>
<tr>
<td>NMD</td>
<td>national missile defence (element of BMD)</td>
</tr>
<tr>
<td>NPC</td>
<td>Nonproliferation Center, CIA (US)</td>
</tr>
<tr>
<td>NPT</td>
<td>Nuclear Nonproliferation Treaty</td>
</tr>
<tr>
<td>NSC</td>
<td>National Security Council (US)</td>
</tr>
<tr>
<td>NSG</td>
<td>Nuclear Suppliers Group</td>
</tr>
<tr>
<td>OAS</td>
<td>Organization of American States, Washington, DC</td>
</tr>
<tr>
<td>ONA</td>
<td>Office of National Assessments (AUS) (intelligence agency)</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe, Vienna (formerly CSCE)</td>
</tr>
<tr>
<td>OSD</td>
<td>Office of the Secretary of Defense (US)</td>
</tr>
<tr>
<td>OSIA</td>
<td>On-site Inspection Agency, DOD (US)</td>
</tr>
<tr>
<td>P-5</td>
<td>Permanent-5 (members of the UNSC)</td>
</tr>
<tr>
<td>PhRMA</td>
<td>Pharmaceutical Research and Manufacturers of America</td>
</tr>
<tr>
<td>PreCom</td>
<td>Preparatory Commission (OPCW), The Hague</td>
</tr>
<tr>
<td>RCAs</td>
<td>riot control agents</td>
</tr>
<tr>
<td>RevCon</td>
<td>Review Conference, BWC</td>
</tr>
<tr>
<td>SDI</td>
<td>Strategic Defense Initiative (US)</td>
</tr>
<tr>
<td>SDIO</td>
<td>Strategic Defense Initiative Organization, DOD (US) (became BMDO)</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>SHIELD</td>
<td>CBW interdiction/licensing group (US interagency)</td>
</tr>
<tr>
<td>SLBM</td>
<td>sea-launched ballistic missile (strategic)</td>
</tr>
<tr>
<td>SLV</td>
<td>space launch vehicle</td>
</tr>
<tr>
<td>SNF</td>
<td>Short-range Nuclear Forces negotiations (US-USSR)</td>
</tr>
<tr>
<td>SRBM</td>
<td>short range ballistic missile (&lt;500km)</td>
</tr>
<tr>
<td>START</td>
<td>Strategic Arms Reduction Treaty, I &amp; II (US-USSR/FSU)</td>
</tr>
<tr>
<td>TMD</td>
<td>theatre missile defence (element of BMD)</td>
</tr>
<tr>
<td>UAV</td>
<td>unmanned air vehicle</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNGA</td>
<td>UN General Assembly</td>
</tr>
<tr>
<td>UNSC</td>
<td>UN Security Council</td>
</tr>
<tr>
<td>UNSCOM</td>
<td>UN Special Commission on Iraq</td>
</tr>
<tr>
<td>VEREX</td>
<td>BWC ad hoc group of verification experts (replaced by AHG)</td>
</tr>
<tr>
<td>WEOG</td>
<td>Western Group (CD caucus)</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organisation</td>
</tr>
<tr>
<td>WMD</td>
<td>weapons of mass destruction (also known as special weapons, non-conventional weapons, NBC weapons)</td>
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</tbody>
</table>
In a hasty bid to retaliate for the American bombing of Tripoli in 1986, Libya launched a missile attack against a tiny US Coast Guard station on the remote Italian island of Lampadusa. This episode remains the first and only case of outside aggression against the military forces of a NATO country on NATO territory. Fortunately, because Libya had only obsolete, early-generation SCUD missiles – limited in range, inaccurate, and armed solely with conventional munitions – they fell harmlessly into the sea, leaving the incident as a largely forgotten footnote to the last chapter of the Cold War epoch. However, this incident also stands as a portent of what would soon emerge as one of the most significant challenges facing Western states in the post-Cold War security environment: horizontal proliferation of weapons of mass destruction (WMD) and their means of delivery.

If a similar scenario were played out today, the potential consequences could be far more dire, due to the improving capabilities that a number of proliferant countries have attained since the mid-1980s. Moreover, the prognosis could become increasingly worse over the coming decade. An alarming number of countries that are hostile to the United States and its friends and allies now have, or are actively working to attain, WMD and associated ballistic or cruise missile delivery systems.

Libya’s hapless missile attack occurred at about the start of the time period covered by the following study. At that juncture, preoccupied by East-West tensions, scholars and public officials alike accorded relatively little attention to the issue of horizontal proliferation of WMD. The marginal energies that the problem did receive tended to focus narrowly on nuclear weapons, with scant thought directed toward chemical and biological weapons (CBW) and missiles.

In stark contrast, as Krauthammer foresaw just a few years later as the Cold War was ebbing: ‘The proliferation of weapons of mass destruction and their means of delivery will constitute the greatest single threat to world security for the rest of our lives’ (1990: 31). Indeed, nearly a decade into the post-Cold War era, ‘it is now widely agreed that the proliferation of nuclear, biological, and chemical (NBC) weapons, and their means of delivery is the major threat to global peace and stability in the 21st Century’ (Lewis Dunn 1998: 59). Western governments in particular have come to see proliferation in all its dimensions as, in the recent words of US Secretary of State Madeleine Albright, ‘The overriding security interest of our time’ (Washington Post, 02/22/98).

In light of the growing emphasis that Western governments are placing on the need to respond to the proliferation threat, there also should be a corresponding exigency for rigorous academic examination of their individual and collective efforts in this regard. This task stands as an emergent and largely incomplete element in the current research agenda for the academic study of international security (Mutimer 1994). The study that follows seeks to take a modest but nonetheless important incremental step in advancing this agenda.
CHAPTER 1

INTRODUCTION

The present study seeks to examine how and why so-called 'like-minded' Western supplier countries, although belonging to a common security community and sharing the same broad anti-proliferation goals, nonetheless frequently disagree on the specific means by which to achieve them.\(^1\) It seeks to demonstrate that, in the cases of the United States and Australia, differences in specific policy preferences amount to systematically divergent national approaches to proliferation response.\(^2\) It then analyses these findings in order to explain the apparent puzzle of why two close strategic allies and dedicated anti-proliferation partners would so differ in their response to proliferation.

The thesis concludes that some intuitively obvious agent-specific explanations such as differences in national attributes (e.g. size, power), governmental systems, and domestic political pressures, while important factors in shaping the relevant national policies of each actor, do not appear to explain convincingly the specific divergence discerned in their respective anti-proliferation preferences. Rather, it finds that this overall divergence is better explained by differences in structural variables (e.g. perceived proliferation threats), with other factors contributing secondarily. Because such differences are likely to apply to other actors, the analysis is also intended to make a contribution to a broader understanding of the efficacy and cohesiveness of overall efforts by Western supplier countries to respond individually and collectively to the proliferation challenge.\(^3\)

The study uses a unitary conceptual framework to assemble separate empirical accounts of the specific instruments that each of the two subject actors has used in each of the three subject issue areas – chemical weapons (CW), biological weapons (BW) and missiles – in pursuit of their common anti-proliferation goals as Western supplier states operating in the context of the international nonproliferation system. It utilises this data ‘to identify the similarities, and differences uncovered by the separate, but juxtaposed, analyses’ (Rosenau 1975: 6) in order to identify patterns which can be characterised as divergent approaches to proliferation response, defined as a

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\(^1\) The term 'like-minded' is a self-description used by the United States and other Western governments to describe their shared commitment to the goal of preventing proliferation.

\(^2\) The terms 'anti-proliferation' and 'proliferation response' are used throughout to denote the full spectrum of policy instruments explicitly designed to stem, reverse, or deal with the consequences of horizontal proliferation of chemical weapons, biological weapons, and/or missiles. The term 'nonproliferation' is used to denote expressly the subset of (mostly diplomatic) instruments specifically designed to stem or reverse the quantitative or qualitative spread of these systems. The term 'counterproliferation' is used to denote expressly the subset of (mostly military) instruments specifically designed to cope with the realised possession of these systems by potentially hostile countries. See Chapter 2 for a full discussion of these and other definitional distinctions.

\(^3\) The designation ‘supplier’ country is used herein as a term of art from the proliferation literature. It is used to denote countries that have the capability to contribute to the acquisition of proscribed weapons. It does not literally imply that every country in this grouping is a major exporter in every applicable area of equipment and technology. Rather, it denotes a broad and loosely defined class of the countries that participate in anti-proliferation efforts, based on the common premise that ‘the principal identities...in these practices are those of ‘suppliers’ and ‘recipients”’ (Mutimer 1998: 106). Western countries comprise a large proportion of this class of countries, but are by no means the only members.
consistent preference for certain types of policy instrument over others. The study then applies existing theoretical models to these findings in order to explain such differences in approach.

In general terms, it has been observed that, stripped to its essentials, foreign policy consists of two elements: national objectives to be achieved, and the means for achieving them (Charles Hermann 1978b). The overall purpose of this study is thus to compare two actors operating within the same system whose respective sets of relevant national objectives are as alike as possible in order to see to what extent they likewise coincide regarding the means for achieving these objectives, and to then explain any patterns of difference that have been discerned, thereby affording a glimpse under the veil of 'like-mindedness'.

The focus of interest is not the international nonproliferation system per se, but rather the national anti-proliferation policy preferences of actors operating in the context of that system. Elements of the system necessarily will feature prominently. However, these multilateral instruments are not the focus in and of themselves, but rather in their roles as instruments of national proliferation response policy. As Roberts observes regarding multilateral structures: 'Non-proliferation instruments are tools of policy, to be used well or poorly...the key issue is...whether interested states with constructive purposes will pay enough sustained attention to them' (1998: 72). It is precisely this attention of interested states that this study seeks to explore.

SCOPE

Limitations

The study encompasses all aspects – unilateral, bilateral, and multilateral – of the national proliferation responses of the subject countries, targeting non-nuclear WMD (i.e. CBW) and Missile Technology Control Regime (MTCR)-class missile delivery systems. This can be generalised in the negative as not nuclear or conventional weapons issues.

The topic of nuclear proliferation has been excluded for several reasons.

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4 Note that this formulation carefully avoids overstating the fundamental nature of the divergence being postulated. Each state officially embraces the gamut of anti-proliferation instruments, and neither side, nor even any faction on either side, would seriously suggest that any of these instruments are utterly worthless and should be discarded completely. Rather, divergence is defined as showing a consistent preference for one set of instruments, or put another way, as treating some set(s) of instruments as subsidiary to other(s).

5 The concept of national policy is used throughout the present study to denote an amalgamation of what might be termed doctrine, policy, and practice. These could also be thought of as distinct concepts: doctrine referring to a broad goal (e.g. strengthening nonproliferation suppliers regimes); policy referring to a specific plan to pursue such a goal (e.g. national criteria for supporting new MTCR members); and, practice referring to actual behaviour in implementing these plans (e.g. how the US voted on Ukraine's application to join the MTCR). However, such parsing is not needed for the analytic objectives of the present study.

6 Readers are assumed to have a basic working knowledge of the international nonproliferation system. For general background see: Center for Nonproliferation Studies (1997). This excellent overview of virtually every international nonproliferation instrument is revised periodically. The most recent edition is available on the internet at: http://cns.miis.edu/pubs/reports/odfs/inventory.pdf.

7 The MTCR Annex defines 'Category 1' as any system (e.g. rocket, ballistic missile, cruise missile) inherently capable of delivering a 500 kilogram warhead at least 300 kilometres (commonly expressed with the shorthand notation '300km/500kg range/payload').
The primary consideration is that, in contrast to the other proliferation areas, there is already a mature literature on nuclear proliferation (Ogilvie-White 1996), making the need for additional scholarship in the nuclear area comparatively less compelling. This alone would seem to justify focusing on the other, relatively neglected areas. A secondary consideration is that a strong argument can be made that some nuclear nonproliferation instruments are conceptually anomalous to other elements of the contemporary nonproliferation system.8 The nuclear nonproliferation regime, based on the NPT, was created at the height of the Cold War in the 1960s, and reflects the priorities, alignments and dynamics of that era. With its indefinite extension of a norm that legally divides states between ‘haves’ and ‘have nots’, it remains very much a progeny of its day, and thus is hard to compare to the other proliferation areas where systematic nonproliferation efforts have evolved only in the last fifteen years or so. The structural ‘have/have not’ anomaly would pose particular difficulties for the present comparison of the United States and Australia – grounded as it is on their status as ‘like minded’ anti-proliferation partners – given that these countries remain on opposite sides of the nuclear divide. In fact, in an opinion survey conducted in conjuncture with the present research (see Appendix 3), a number of US and Australian officials who agreed that the United States and Australia share common anti-proliferation goals, were careful to qualify that this opinion only applied to the non-nuclear areas, and that the two countries have had much more divergent objectives in the nuclear area.9

A tertiary (and admittedly controversial) consideration mitigating against inclusion of the nuclear issue is that, notwithstanding popular conceptions to the contrary, a plausible case can be made that the processes of nuclear weapons technology development and horizontal proliferation have actually remained static relative to the other proliferation areas, making it in some ways a less urgent problem.10 Finally, bearing in mind the breadth and complexity of the topic, it is expedient to omit the nuclear dimension in order to keep the current study to a manageable size.

The exclusion of conventional weapons issues conforms to the traditional parameters of the national proliferation response policies that are being

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8 A case could also be made that the nuclear issue is also anomalous in terms of counterproliferation. As in bilateral ‘nuclear’ disarmament, counterproliferation for nuclear weapons largely deals with their missile delivery systems, rather than the nuclear weapons themselves. (See the discussion of missile counterproliferation in Chapter 4.)

9 Leaver (1997a; 1997b) observes that Australia, in addition to having been frequently and publicly at cross-purposes with the US throughout most of the 1980s on the related issue of vertical nuclear disarmament (i.e. echoing the calls of many non-aligned states for faster and deeper cuts in the nuclear arsenals of both superpowers), initially opposed the US-sponsored NPT, objecting to its discriminatory structure and, up until the past few years, took a reformist stance against the treaty’s status quo. For a fascinating account of one aspect of the early Australian context for this issue see Walsh (1997).

10 This is not to detract from the gravity of the unprecedented nuclear arms race in South Asia, heralded by the recent Indian and Pakistani nuclear tests, which essentially has created a new class of non-NPT nuclear weapons states. That said, the significance of these lamentable developments is more political than material. The tests represent merely the overt acknowledgment and demonstration of long-standing capabilities by these hitherto so-called ‘threshold’ states, and therefore can not be seen as new instances of proliferation in a literal or technical sense. Indeed, the most significant proliferation development in the region arguably is the recent progress that both countries have made in developing nuclear-capable missiles that may now enable them to use their nuclear weapons effectively against one another’s major population centres. To a lesser extent this also applies to China, the third country in the South Asia equation, which is a declared and long-standing nuclear power, but which is still working to attain missile capabilities on par with the other declared nuclear weapons states.
studied. The United States and its Western nonproliferation partners typically define the targets of their proliferation response policies using some variation of the formula ‘WMD and missile means of delivery’. Conventional systems and technologies are therefore excluded from this official term of art literally by definition.

The United States in particular has been careful to differentiate between its conventional arms transfer policies and its nonproliferation policies. The logic behind this strict demarcation is that whereas the proliferation of WMD and MTCR-class missiles in any other country for any reason is seen as inherently undesirable (at least officially), a comparable judgement regarding the possession of any given conventional weapon system by (or transfer to) any given country, is entirely contingent on the specifics of each case.

The usefulness of such rigid distinctions between proliferation and conventional arms transfers is a subject of contention within the proliferation literature. But whatever the merits of this academic debate, the parameters of the present study are set by the scope of the policy issues as defined by the governments being studied, which for the present excludes conventional weapons issues.

In addition to nuclear and conventional weapons issues, the study also omits the full range of proliferation policies directed against Iraq that were put in place during and after the 1990–91 Gulf War (e.g. UNSCOM). The rationale for not covering these policies is that together they represent an utterly unique case. The post-Gulf War responses to Iraqi proliferation have been largely the result of Iraq’s defeat in a war fought over unrelated issues. As such, they are not representative of proliferation response generally, and more importantly could not be replicated elsewhere. That said, these issues will be examined to the extent that they have influenced broader proliferation response policy.

A final excluded topic is WMD-related terrorism. This issue has received a great deal of attention in the aftermath of the 1995 gas attack on the Tokyo subway by the Aum Shinrikyo cult. There is undeniably a grey area between WMD terrorism and anti-proliferation. Certain aspects of counterproliferation undoubtedly would be helpful in dealing with a terrorist incident. It has even been argued that nonproliferation instruments may indirectly impede WMD terrorism, although this is not easily demonstrated other than for state-sponsored terrorism. Here again though, since terrorism tends to be treated by

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11 Confusingly, there have been occasional official references by the US and others to ‘conventional proliferation’, but these have usually been stated in a context that carefully distinguishes the issue as a separate policy area from ‘nonproliferation’. Note that this formulation explicitly excludes aircraft, despite the fact that some aircraft can be used to deliver WMD.

12 Most scholars tend to concur with the official view that proliferation should remain narrowly defined. This prevailing school of thought argues that efforts to extend the conceptual definition of proliferation, although based on good intentions, run the risk of watering down the concept by overreaching. Moreover, analysts note that the issue is conceptually distinct, since conventional arms transfers are almost universally viewed as a legitimate aspect of international trade and politics (Fergusson 1993). Parker (1999) reinforces this conceptual logic with the argument that conventional proliferation poses negligible risks for Western countries. On the other hand, at least a few prominent analysts question the wisdom of retaining this traditional distinction. For example, putting forward a national security rationale, Sokolski (1995) suggests extending nonproliferation policies to cover certain critical advanced war-fighting technologies that are not widely available throughout the world and which would pose significant threats if used against US forces. Keller and Nolan (1997/8) make similar recommendations, albeit for different reasons, arguing that certain conventional systems can be as destructive and/or destabilising as WMD and missiles. Mutimer (1994) takes this argument further, suggesting that proliferation should be defined as any weapons-related diffusion that has an adverse impact on regional or global security and stability.
the countries being studied as a law enforcement matter rather than as a proliferation issue (Oehler testimony [tst.] 1996), the topic by definition is beyond the scope of the present study.

**Timeframe**

The approximate chronological starting point for the study is the mid-1980s. This juncture corresponds to the rise of serious Western concern about horizontal chemical/biological weapons and missile (CB/M) proliferation. The second half of the decade witnessed the introduction of virtually every element of the present international non-nuclear nonproliferation system, including the creation of the Australia Group (AG) and the MTCR, the beginning of efforts to strengthen the then largely symbolic BWC, and the first hints of real progress in what had for decades been fruitless and interminable negotiations on a global ban on chemical weapons. Other elements of proliferation response (e.g. nonproliferation sanctions, and counterproliferation) were also first conceived during roughly the same timeframe. As a mid-level US official succinctly put it in early 1989, 'It has not been until quite recently that it has become more common to talk about missile proliferation, chemical weapons proliferation, and we hear now a bit about biological weapons proliferation' (Hinds tst.: 13). Previously, to the extent that these types of weapons received any attention, it was in the context of East–West competition and bilateral arms control.

Chronological parameters are applied flexibly among the different issue areas of this study, because developments in the different areas did not take place in strict parallel. Moreover, in order to provide the historical context for contemporary structures and issues, major antecedents are touched upon. Overall, the greatest emphasis is given to the post-Cold War period 'when international concern about chemical and biological weapons [and missiles] switched from US–Soviet competitive programmes of development and deployment within the context of East–West confrontation, to proliferation of CBW [and missiles] in a nearly multi-polar and more unpredictable international system' (Latter 1992: 1).

The research cut-off date is approximately January 1999. In a few cases, highly pertinent additions to the literature and real-world developments after this date are noted.

**RELEVANCE**

**Background**

There are no comprehensive empirical studies that examine the full spectrum of non-nuclear anti-proliferation policies of either the United States or

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13 Documentation throughout is provided in a slightly modified version of the standard APA author-date style. Because secondary literature, and the different types of primary sources — interviews (int.); official documents/publications (off.), and testimony (tst.) — are listed separately in the Bibliography, the latter are so identified within parenthetical citations by abbreviations. Dates are omitted for interview citations since all interviews occurred during roughly the same period of research.

14 US officials at the levels of desk officer to deputy office director are generally referred to herein as working-level, office directors to deputy assistant secretary as mid-level, and assistant secretary or above (i.e. Senate confirmed) as senior-level. Agency heads and deputy heads are sometimes referred to as top- or high-level. See Appendix 1 for comparison of US and Australian official ranks.
Australia in the post-Cold War period. Likewise, there is no research comparing US and Australian policies, or more broadly the non-nuclear anti-proliferation policies of any Western supplier states. One very recent study does offer an in-depth historical comparison of the nuclear nonproliferation policies of the United States and France (Jabko & Weber 1998). Intriguingly, although this study is limited to the nuclear area, and therefore is not directly comparable to the present research, it clearly is analogous in its objectives, findings, and potential relevance. It reveals 'the persistence of national trajectories of ideas and institutions that continue to generate different underlying interests and state preferences in the area of nonproliferation policy' (p. 149). In particular it finds that the ostensible commonality in these countries' current approach is in fact quite superficial. These findings suggest that the first seeds of interest in the comparative study of national approaches to proliferation response may already be taking root as a nascent research agenda.

The bulk of the extant literature on proliferation, instead of looking at national approaches to anti-proliferation, tends to concentrate on other issues. These include: technical capabilities and characteristics of WMD and/or descriptions of specific WMD programs in various countries (organised either by country/region or type of program); why and how nations seek to acquire WMD and/or why and how other nations assist them in these efforts (i.e. focusing on the proliferators, both supplier and receiver, rather than the anti-proliferators); the systemic dynamics of proliferation (e.g. technology diffusion, breakdown of Cold War client–patron constraints); the systemic effects of proliferation (e.g. destabilising); the political/philosophical legitimacy of

15 One notable exception regarding the US is a comprehensive multi-volume study by Lewis Dunn et al. (1992). Unfortunately, in addition to being now somewhat dated, this government-sponsored study appears to have been distributed on a limited 'official use only' basis, and so is not freely available for scholarly research, being for all intents and purposes unpublished. For an extremely provocative think-piece by the same lead author on the evolution of US policy responses to proliferation see Lewis Dunn (1998). For a summary overview of US proliferation responses see Bowen and David Dunn (1996). For an conceptual overview of US proliferation response see Mussington (1994).

16 For a limited exception see a study by the Center for Counterproliferation Research (n.d.) which presents brief case studies on the proliferation responses of five NATO countries. Unfortunately, this excellent government-sponsored study is not widely available outside official circles. Additionally, it focuses on policy questions pertaining to the NATO Defense Group on Proliferation (DGP) and so, not surprisingly, does not broadly address all elements of proliferation response. Finally, because it is in essence a government report, it does not employ standard academic research methodologies or documentation.

17 Beyond its different subject matter, this study also uses different methodology in that it represents a 'least similar case' comparison, since France for decades was the only Western government that refused to accede to the NPT. (See the methodology discussion below for an explanation of the 'most similar case' structure used in the present study.)

18 For examples that are especially applicable to the CB/M areas see: Burck and Flowerree (1991); Burrows and Windrem (1991); Carus (1992b); Clark (1993); Cordesman (1991); Ewin, Ranger and Bosdet (1994); Feldman (1995); Oberg (1999); Navias (1993); Nolan (1991b); Ranger (1995); System Planning Corporation (1992); and, Truesdel (1996).

19 For recent examples and/or those especially relevant to CB/M, see: Barnaby (1993); Carus (1989; 1991); Davis and Frankel; (1993); Eyre (1998); Escudé (1998); Flank (1993); Perkovich (1998); Reiss (1995); Sagan (1996/7); Solingen (1995); Thayer (1995). For seminal works (solely looking at the nuclear area) see Epstein (1977) and Betts (1977).

For the seminal post-Cold War work in this area see Nolan (1992). Recent examples of this segment of the literature are literally too numerous to attempt to cite individually.

21 The sub-literature on the negative impact of proliferation is far too vast for individual citations. For a recent, comprehensive, and representative example of this genre see Ranger and Wiencek (1997). For examples of the rare challenges to this orthodoxy, arguing that proliferation can be beneficial (or not...
nonproliferation; and technical and structural characteristics of the various multilateral proliferation-related regimes (or more commonly, narrow elements thereof). Moreover, many of the studies that do focus on national responses to proliferation tend to emphasise normative (i.e. prescriptive) rather than descriptive analysis (Chafetz 1995).

Normative analysis aside, there is thus a surprising dearth of broad, in-depth empirical and conceptual consideration of how and why individual supplier states have endeavoured to respond to proliferation. These general tendencies to focus on the proliferators rather than the anti-proliferators, or else on systemic or technical issues, while neglecting rigorous examination (as opposed to prescriptive analysis) and comparison of the national anti-proliferation policies of individual supplier states, represents a conspicuous gap in the existing proliferation literature.

This overall gap in the extant literature is further exacerbated for the CW, BW and missile areas, because the preponderance of what relevant literature there is concentrates exclusively on issues of nuclear weapons proliferation, with some (but almost never all) of the other areas examined in passing, or more often ignored altogether. The domination of both academic research and policy formulation by the problem of the proliferation of nuclear weapons in particular must be scrutinised, one analyst exhorts, because ‘in the final years of the 1990s, the scope of the problem extends well beyond nuclear weapons’ (Moodie 1995: 72). Another scholar laments that, although the literature on chemical and biological weapon (CBW) proliferation is relatively scant, even this literature is ‘so extensive that it seems to mock the more modest efforts to understand missile proliferation’ (Karp 1996: 163). A telling illustration that this pervasive nuclear-centric bias is still very much alive and well and continuing to dominate proliferation-related scholarship is afforded by a recent undergraduate-level IR textbook (Baylis & Smith 1997), which devotes an entire chapter to nuclear proliferation, whilst scarcely mentioning the other proliferation areas.

Contributions

The present study seeks to contribute on different levels to the extant body of theory relevant to explaining the proliferation response behaviour of Western supplier states. These theoretical contributions are threefold: 1) as harmful as often portrayed, or not in each and every instance, or not in the case of nuclear weapons) see: Feldman (1982); Mearsheimer (1993); Müller (1997); and, Waltz (1981).

22Not surprisingly, this sub-set of the literature has been promulgated for the most part by analysts from developing countries, and in particular countries that have been the target of Western anti-proliferation efforts. For an succinct summary of, and simultaneous rebuttal to, this element of the literature, see Nye (1992). For subsequent examples see Chubin: (1993); Singh (1998); and, Subrahmanyam (1993). For an interesting variation, criticising Western proliferation response as a manifestation of an illegitimate new ‘Pax Americana’ approach to global security, see Tickner (1995).

23 Unfortunately, the few recent pieces that have attempted methodically to examine supplier responses to proliferation from a broad conceptual perspective have concentrated solely on the nuclear area. For examples, see Cioffi-Revilla (1998) and Schneider (1994).

24For an excellent review of the theoretical literature on nonproliferation (though limited to nuclear nonproliferation) which aptly underscores this point, see Ogilvie-White (1996).

25Again, there is a substantial, robust literature covering the individual multilateral non-nuclear nonproliferation instruments (eg. CWC, BWC, Australia Group, MTCR). However, this literature tends to focus narrowly on the technical characteristics and diplomatic structures of these individual regimes, rather than on the broader issue areas, or on how individual supplier countries use these and other national instruments as tools in their overall anti-proliferation strategies.
challenging a specific untested theoretical assumption in a subset of the proliferation literature regarding the similitude of Western proliferation responses; 2) enabling more effective application of existing theoretical tools; and 3) assisting in the construction of an intermediate-level theory of Western proliferation response behaviour by supplying both an overarching conceptual framework and incremental empirical building-blocks. It also aspires to make a useful public-policy contribution.

**Challenging An Untested Assumption**

Because it suggests that there has been meaningful divergence between the anti-proliferation approaches of two Western supplier states, the present study challenges an untested assumption, prevalent in a minor segment of the academic literature, that Western supplier states act in virtual lock-step in their response to shared proliferation threats. That the study has been designed as a 'similar case' comparison makes this refutation more direct. By empirically demonstrating significant differences in a 'similar case' comparison, it sounds a cautionary note for any perspective that presupposes profound cohesiveness in Western responses to proliferation.

In a representative example of this assumption, one analyst describes Western supplier states as acting *de facto* as a 'supranational entity' in their response to proliferation – a monolithic *us* against the rest of the world's *them* (Chafetz 1995). Those who subscribe to this characterisation – often promulgated in critical analyses by scholars from developing countries – sometimes allow that there may be occasional policy squabbles among Western supplier states in these areas, but nevertheless tend to dismiss these as insignificant and rare. Such assertions plainly are not supported by the findings of this study. Western supplier states may share the same broad anti-proliferation objectives, and these aims may differ from those of some other groupings of states, but that is very different from agreeing on the specific policy prescriptions by which individually and collectively to pursue these objectives.26

The same underlying premise is often discernible in the mainstream proliferation literature, albeit as a vague, sometimes unarticulated cognition that for all intents and purposes it is the United States alone that sets the Western anti-proliferation agenda. This perspective is doubtless reinforced by the broader hegemony/leadership literature that, as Cooper, Higgott and Nossal note, tends to assume that 'secondary or "supporting" states...can safely be ruled out as "contenders" or "challengers" to the leading state' (1991: 394). Such assumptions are probably also sustained by the habit of Western supplier states to themselves stress their 'like mindedness' on anti-proliferation aims, which easily becomes interpreted as 'like mindedness' as to the means to realising these objectives. This fallacy is all the more understandable since Western governments do not like to advertise disputes amongst themselves in these areas.

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26 The supposition that Western supplier countries embrace common anti-proliferation objectives, while intuitively plausible, and hence reasonable as an operative assumption, nonetheless has not been tested through rigorous academic examination. For example, on a contrary anecdotal note, a number of US and Australian officials interviewed expressed doubts regarding the nature and sincerity of the anti-proliferation objectives of certain other Western countries, notably France and Germany A definitive judgement on this point would require the cumulation of data from additional research along the lines of the present study.
Enabling Extant Theory

The study facilitates the use of existing theoretical tools to help explain the differing proliferation response behaviour of the two countries being studied. Existing theoretical perspectives are not readily helpful in explaining discreet instances of divergence, for example why Washington and Canberra have disagreed on among numerous other things:

- the need to negotiate a global treaty against missile proliferation
- plans by the World Health Organisation (WHO) to destroy the last known remaining samples of the smallpox virus
- technical details of challenge inspection provisions of the Chemical Weapons Convention (CWC)
- membership criteria for the Missile Technology Control Regime (MTCR)
- the need for punitive economic sanctions against countries that transfer certain technologies to others
- the future viability of the AG
- the appropriate way to define what is prohibited by the Biological Weapons Convention (BWC)
- the need to threaten nuclear retaliation to deter CBW attacks
- the need for routine inspections to verify the BWC
And so on.

By fitting such individual differences into broad conceptual patterns, the present research provides a framework that renders specific proliferation response behaviour more amenable to causal inference. Given the key roles that the subject states play in the anti-proliferation sphere, this represents a significant advance in the practical application of existing theory to explain an important set of real-world foreign policy behaviour. Moreover, while some of the explanations so adduced are wholly sui generis, one of the crucial causal variables identified is systemic – differences in the geopolitical balance of proliferation threats – and therefore could plausibly explain other similar cases of national divergence. This raises the prospect that the study’s analytical conclusions may provide the foundation for a broader theory-building endeavour.

Assisting Theory Building

At the broadest theoretical level, the study makes potentially important contributions to the task of developing an intermediate-level theory to explain the proliferation response behaviour of Western supplier countries. The issue of Western proliferation response behaviour represents a classic example of what Alexander George (1997) and Rosenau (1975) both refer to as the intermediate problems of foreign policy that await theoretical explication. They suggest that theory-building for such intermediate problems is likely to prove far less elusive than a general theory of foreign policy.

The conceptual aspect of this latent theory-building contribution is provided by the framework for analysis and synthesis of existing normative perspectives that the study uses to frame and organise its empirical
country/issue case studies (see Chapters 2–3). Constructing a comprehensive framework for analysis – as a conceptual tool that can be applied to future studies in order to facilitate systematic cumulation of structured cross-research comparative analysis – is a crucial prerequisite to theory-building that represents a consequential theoretical exercise in itself (Alexander George 1979; Reynolds 1975; Verba 1967). Because the present study incorporates an internal comparative element, its conceptual framework has been designed to facilitate comparative analysis, and therefore should serve as a satisfactory basis for accreting analysis from complementary studies of other Western supplier countries. Moreover, the present study contributes empirical knowledge covering both the most important actor and a key secondary actor in this sphere, and considering the relatively small number of Western supplier countries (and the even smaller number of key players), the task of conducting sufficient future research to lay the necessary groundwork for a meaningful theory-building project appears viable. Indeed, it may even prove feasible to expand such an intermediate theory-building agenda to include non-Western supplier countries (e.g. China, Russia).

The stress placed on the study’s relevance for theory building rather than theory testing should not be misconstrued as indicative of a lack of theoretical rigour or ambition. This is an unavoidable consequence of the overall theoretical weakness of the extant literature on proliferation vis-à-vis the anti-proliferation behaviour of states. There is wide recognition among theoreticians, including proponents of the social science imperative to test generalisable theories, that such testing needs to be preceded by theory conceptualisation and theory building, and that in turn these must rely on in-depth studies that examine how and why relevant events transpired (Bull 1972; Eckstein 1975; Alexander George 1979; George & Bennett 1997; Hermann & East 1978; Kegley 1980; King, Keohane & Verba 1994; Hudson 1993; Lijphart 1971, 1975; McGowan 1975; Papadakis & Starr 1987; Neil Richardson 1987; Rosenau 1975, 1976, 1980; Russet 1974; Sartori 1991; Yin 1984). Lijphart makes this

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27 Reynolds defines a conceptual framework as, ‘The development of a taxonomy, a classification, a set of categories, into which data may be arranged’ (60). He notes that this theoretical exercise has two purposes: to ensure that all or most relevant information is taken into account; and, to provide a basis for structured comparison.

28 I do not wish to minimise the challenges inherent for any such theory-building endeavour. In the first place, it puts a heavy onus on future scholars to undertake complementary research, who may or may not choose to rise to the occasion. More fundamentally, even the most ardent proponents of the FPA theory-building agenda as a whole acknowledge that it is not precisely clear how assembling this type of data, and even analysing patterns, generates new theory. But this reflects an intrinsic problem facing any and all attempts at foreign policy analysis, especially of the comparative variety. As Smith notes, ‘There has always been a serious problem in knowing how to move from the collection of evidence, from the manipulation of data, towards a theory. What is a theory of foreign policy and what would one look like? ...I think that this problem has bedevilled the history of foreign policy analysis; it has certainly bedevilled the comparative foreign policy approach’ (1987: 47). Moreover, he makes clear that this problem is not confined to the ambitious quantitative incarnations of comparative foreign policy espoused especially during the 1970s (eg. events data), approaches that are widely seen to have lost their lustre, but rather to all of the various ongoing approaches to studying foreign policy.

29 Some recent trends in IR scholarship (eg. post-modernism, constructivism) have challenged the very notion of even attempting to build generalisable theories. While such paradigm debates are well beyond the scope of the present study, it may nonetheless be observed that, even setting aside any potential contributions to theory building, or for that matter comparative analysis, the present study remains valuable as a stand-alone empirical analysis of the practices of each of two key actors in an important policy area. Such empirical data is intrinsically relevant for conceptualisation in any form, regardless of one’s intra-disciplinary proclivities. To take a case in point, there has been at least one recent attempt to examine states’ anti-proliferation practices through the prism of constructivist analysis
point as follows:

The intensive comparative analysis of a few cases may be more promising than a superficial statistical analysis of many cases. In such a situation, the most fruitful approach would be to regard the comparative analysis as the first stage of [a] research [agenda] in which hypotheses are carefully formulated (1971: 685).

Alexander George echoes this thought:

A simultaneous comparison of two or more cases, if each comprises an instance of the same class of events, can be an excellent research strategy for cumulative development of theory. In this way the investigator can move beyond preoccupation with the single case study to comparative case studies (1979: 52).

Hudson, noting approvingly that this long-standing consensus has been increasingly reinforced in recent years, states, "The case study – in more systematic form (e.g. process tracing) – has made a big comeback....You have to get your hands dirty to understand the real world" (10-11). Ergo, theory-building contributions are a necessary prerequisite to any theory-testing endeavour for topics where there is a deficit of empirical research addressing questions of how and why.

King, Keohane and Verba suggest the following criteria by which to assess the theoretical relevance and sufficiency of any proposed research topic in terms of contributing to theory building:

A research project should pose a question that is 'important' in the real world...[and] should make a specific contribution to an identifiable scholarly literature by increasing our collective ability to construct verified scientific explanations of some aspect of the world....This latter criterion does not imply that all research that contributes to our stock of social science explanations in fact aims directly at making causal inferences. Sometimes the state of knowledge in a field is such that much fact-finding and description is needed before we can take on the challenge of explanation. Often the contribution of a single project will be descriptive inference. Sometimes the goal may not even be descriptive inference but rather will involve the close observation of particular events or the summary of historical detail. These, however, meet our second criterion because they are prerequisites to explanation (1994: 15).

The present study indisputably meets the first of these requirements (i.e. it is important in the real world). It also readily satisfies the second criterion, since there is a recognised scholarly literature on proliferation. But as discussed already, although this literature is extensive in many respects, it is limited in its treatment of the anti-proliferation policies of supplier states generally, and virtually non-existent in comparing their national approaches. The comparative analysis provided in the concluding chapter to explain the differences discerned in the preceding case studies between US and Australian proliferation response preferences, therefore offers a solid, currently unavailable basis for developing

(Mutimer 1998), which surely might have benefited from additional empirical data on the subject.
a generalisable theory of proliferation response behaviour.

*Enriching Public-policy*

Beyond its theoretical relevance, the study should assist policy-makers in the United States and Australia to understand better each others’ (and perhaps even their own) anti-proliferation perspectives. Providing such clarity has intrinsic public-policy relevance. This function is loosely akin for policy-makers to the purposes served by popular psychology books that try to explain men and women to themselves and each other...*You Just Don't Understand: Anti-proliferators in Conversation...Superpowers Are From Mars, Anti-proliferation Partners Are From Venus*. It should equally assist anyone else trying to understand these countries’ anti-proliferation policies.

On a more general level, the study should directly enhance comprehension of the choices and pressures that any supplier country faces in seeking to respond to proliferation. By examining specific differences in the perspectives and policies of two countries with conjoint anti-proliferation objectives and commitments, it addresses issues that are highly germane to our understanding of the wider international anti-proliferation system, and the ways in which individual supplier countries operate within and around it. Finally, by noting a significant divergence in the preferences of two key members of the Western anti-proliferation coalition, it raises questions about the efficacy of the anti-proliferation project as a whole which, at a minimum, depends on broad cooperation among this core group of like-minded states.

**METHODOLOGY**

*Analytic Framework: Orientation and Structure*

**Orientation**

Because the study focuses on anti-proliferation actors rather than on the international nonproliferation system in which they operate, its analytical orientation is firmly grounded within the general analytic framework of foreign policy analysis (FPA) and its associated sub-literatures, in this case with an explicit comparative dimension. This sets it apart from the predominant theoretical and methodological schools in the international relations (IR) discipline.\(^{30}\)

The study loosely employs an ‘environmental model of foreign policy analysis’ as Papadakis and Starr (1987) suggest as its general analytical frame of reference.\(^{31}\) This multi-causal model posits interconnected influences on

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\(^{30}\) Such an actor-centric focus reflects the fundamental assumption of the FPA research agenda that, as Ripley states, ‘The global system is the arena of politics rather than the major force in international politics’ (1993: 410). This in turn severely limits the applicability of wider IR theory. For example, Ripley goes on to observe that, because this underlying FPA orientation is inherently incompatible with the system-centric tenets of neo-realism, the goals and contributions of individual FPA studies can not be judged by the standards of the neo-realist paradigm. Which is not to suggest that the current study has nothing to gain from, nor contribute to, other strands of IR theory since, as discussed already, it seeks to do both, but from the characteristic confines of an actor-centric perspective.

\(^{31}\) For an excellent graphic depiction of this model see Papadakis and Starr (1987), Figure 20.1, p. 417. Unfortunately, the original publisher, Allen & Unwin (Boston), indicates that it no longer holds the rights to this material. The subsequent rights holder, HarperCollins (UK), likewise specifies that it no longer owns the copyright on this material and has no further information. Correspondence with one of the
foreign policy behaviour. These include in the first instance national foreign policy processes and actors (e.g. policy-making structures, individuals) that lead to foreign policy decisions, and underlying these immediate decision-making factors, the indirect opportunities and constraints on these processes/actors that are attributable to the various levels of environment (e.g. international system, societal) in which they operate. This model offers the advantage of synthesising the various strands FPA, as well as allowing wider IR theory to be integrated into the FPA framework by taking into account the structural influences of international relations and the international system.

Structure

The analytical structure of a foreign policy study can adhere to either of two standard configurations: 1) horizontal studies seeking to test general theories by studying a limited number of variables across a wide spectrum of actors; or, 2) vertical studies seeking to develop in-depth understanding by investigating a wide spectrum of variables for one or a few actors (Handel 1981; Rosenau 1980; Yin 1984). Utilising the latter approach, the present study has been designed as a two-country comparison in order to permit an appropriate balance between in-depth examination and structured comparative analysis. Such a vertical design seems intrinsically more able to meet the objectives laid out above than for example a horizontal comparison of the policies of all of the Western supplier states in one, or at most a few, very narrowly circumscribed issue areas (e.g. CWC implementation).

The specific structure employed has been intentionally designed to push the workable bounds of a vertical study – encompassing three separate major issue areas, each examined over a span of up to two decades, for each of two actors. This is done to maximise the comparative dimension. Such a broad vertical structure inevitably imposes limitations on the depth of treatment possible for each discreet element – each of the six constituent case studies could easily justify an entire book onto itself – as well as a certain cumbersomeness in tying these heterogeneous topics together in a coherent narrative. However, these drawbacks represent inescapable trade-offs, the proper balance of which can only be dictated by the particular analytical objectives to be served.

The purpose of the dual-actor structure is not to explore the relationship between the actors per se, but rather to explore and compare the individual national policies of each. Having said this, it has to be recognised that these states work together as anti-proliferation partners, and that all such dyadic relationships affect the national policies of the actors involved to a greater or lesser extent (Neil Richardson 1987; Snyder, Bruck & Burton 1969). In the context of the present study, whereas its larger relationship with Australia
exerts relatively little direct influence on US anti-proliferation policies, the same relationship is inevitably a more important consideration for Australia (e.g. in terms of larger issues of alliance management). 33

*Empirical Case Studies: Selection, Design, and Sources*

*Selection*

It is imperative to base the selection of case study subjects on a set of objective, clearly articulated criteria, particularly in small-n comparisons (Collier & Mahoney 1996; Geddes 1990). The United States and Australia have been selected as 'similar case' subjects in the present study based on the following interconnected criteria: 1) leadership roles and active participation in all facets of the international nonproliferation system; 2) commonality in commitment to shared anti-proliferation goals; and, 3) commonality in other pertinent respects.

Bertsch and Cuppit (1993: 59) suggest that states' roles in the international nonproliferation system can be divided into five general categories: 1) *coordinating* states that play roles in all components; 2) *collaborating* states that play roles in some components; 3) *sensitive* states that may have relevant industries or technological capacities, but which do not play a significant role, and which also are not hostile (i.e. which do not import, export, or produce targeted weapons systems); 4) *threatening* states that oppose the system (i.e. which attempt to acquire, produce or export applicable weapons or associated technology); and, 5) *peripheral* states that do not play a role and which are irrelevant to the proliferation issue. The first of these categories includes about twenty states, fewer than half of which play activist roles across the spectrum of applicable fora. It is this latter group of less than ten key actors that demarcates the pool of potentially useful subjects based on the first of the above criteria.

The United States has been selected as a case study due to its singular role as a coordinating state and the dominant leader of international anti-proliferation efforts, commensurate with its role as lone superpower within the post-Cold War international order. In this sense it can be properly seen as the principal subject of the study.

Australia has been winnowed from the pool of potential comparative subjects based on having achieved a high cumulative ranking for all of the above criteria. For comparative purposes it can properly be seen as what has been termed a first-follower to US leadership in this sphere (Cooper, Higgott & Nossal 1993). Australia scores high in the categories of international leadership and participation. It is fair to say that Australia is universally recognised as among the most active players in the anti-proliferation realm. Through a series of high-profile initiatives over many years – like creating the Australia Group in the early 1980s, hosting an unprecedented conference of governments and representatives of national chemical industries in the late 1980s, brokering the final resolution of the CWC negotiations in the early 1990s, and most recently in 1998 assembling most of the world’s foreign ministers to bolster efforts to

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33 This dynamic is typical of the relationship between a middle-power and a major-power ally (Fox 1977; Handel 1981). It is readily discernible in the empirical case studies (see Chapters 4–5), which reveal that Australia considers US policies in forming its own national positions much more than vice versa. The case studies also show that this factor leads to a one-sided phenomenon of Australian 'self censorship', whereby Canberra opts to adopt a position that is not its preferred position, but rather the closest to that preferred position that it perceives as having a chance of gaining US approval.
strengthen the BWC – Australia has become one of the most influential actors in this sphere (Dorling interview [int.]; Evans 1997). Indeed, one long-serving senior US official characterises Australia as the most important player internationally on proliferation issues after the United States (McNamara int.).

Australia has a strong sense of common purpose with, and in the eyes of, the United States. Former US Assistant Secretary of State Thomas McNamara makes this clear: 'They're probably our strongest partner in nonproliferation overall. We cooperate better with the Aussies on average than we do with almost anyone else I would say' (int). Such perceptions are reciprocal and widespread. In an opinion survey of relevant present and past officials from both countries, over ninety per cent affirm that the two countries share the same anti-proliferation objectives (see Appendix 3, question 1).

There are obviously other Western states that to a greater or lesser extent are also leaders in the international nonproliferation system and have similar anti-proliferation objectives to the United States. However, Australia has significant additional advantages as a comparative subject. For instance, citing their socio-cultural commonalities, Lijphart (1971) asserts that the Anglo-American countries generally represent one of the more advantageous categories of non-regionally contiguous states for purposes of 'like case' comparative foreign policy case studies. This generalisation is particularly apt in the case of a security-related issue such as proliferation response. Although the United States and Australia are extremely dissimilar structurally – in terms of national attributes (i.e. regional middle-power versus lone global superpower), geopolitics, etc. – they share an unusual degree of commonality in the politico-military arena. One key manifestation of this is uncommonly close intelligence sharing and cooperation, including on proliferation and related strategic issues. It would be difficult to overstate the importance of the Anglo–American intelligence nexus for our purposes. Many scholars of foreign policy decision-making see the availability and processing of information as central to understanding foreign policy behaviour (Ripley 1993). Officials often stress the critical role that access to reliable intelligence plays in making policy decisions on nonproliferation (Freedenberg tst. 1989; Oehler tst. 1995; Woolsey 1993a).

Indeed, during interviews a number of senior Australian officials cited the intelligence relationship as a key factor in explaining the high degree of commonality between Australian and US anti-proliferation objectives relative to other Western countries, in that most other Western countries simply do not share the same detailed awareness of the seriousness of the proliferation threat. In addition to intelligence cooperation, the two countries have an unusually close strategic alliance relationship underpinned by regular bilateral consultation and cooperation in the politico–military sphere generally, including specifically on proliferation issues.

Although there are other countries that roughly match Australia in meeting all of these various criteria, most notably Britain and Canada, there are a number of appurtenant factors that make Australia a more interesting and feasible subject for comparison. As regards Britain, the increasingly significant role played by the European Union (EU) in this and other foreign and security policy areas makes British policy as such increasingly hard to isolate and

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34 See Ball (1985) for a description of the unrivalled intelligence cooperation among Australia, Canada, New Zealand, the United Kingdom and the United States. (New Zealand has more recently been largely excluded from this privileged club.)
define, a factor that would hopelessly complicate any comparative analysis. Canada is therefore left as the most promising alternative to Australia on the merits of the criteria. On less easily quantifiable subjective and aesthetic grounds, however, the contiguous geographic proximity and extreme cultural resemblance between the United States and Canada would lend an incestuous quality to such a two-country comparison that seems undesirable. More importantly, Canada’s foreign and security policies are likely shaped to an unusual degree by the desire to demonstrate independence from its powerful neighbour, leading it to espouse opposing positions ‘as a matter of principle rather than interest’ (Handel 1981: 145). For purposes of a ‘similar cases’ comparison, being different for difference sake represents an unhelpful dynamic.35 And so we are left with Australia.

Using the United States and Australia as comparative subjects immediately presents a serious challenge due to the structural dissimilarities between them within the international system (i.e. lone superpower versus middle/regional power). In other words, this type of analysis runs the inherent risk of comparing proverbial apples and oranges. That said, by the same line of reasoning a compelling argument could be made that the same perils are attendant in comparing any other actor to the United States, given the latter’s singular role in the prevailing post-Cold War international system. This logic would then wholly exclude the most important actor in the international system from any type of comparative foreign policy research, effectively nullifying the value of comparative FPA studies as a class. It is precisely to avoid being backed into this type of artificial methodological corner that we must recall the admonition against applying the standards of irrelevant IR paradigms to specific FPA research designs (Ripley 1993). Sartori offers helpful advice on how to navigate around just such comparative pitfalls, observing that any comparison between two distinct entities necessarily involves similarities and differences, and that in order to have merit a comparison must focus squarely on the former. He elaborates:

Thus, pears and apples are comparable as fruits, as things that can be eaten, as entities that grow on trees; but incomparable, e.g., in their respective shapes. Making this point in general, the question always is: *comparable with respect to which properties or characteristics*, and incomparable (i.e. too dissimilar) with respect to which other properties or characteristics? (1991: 246)

Applying this counsel to the present research, it can be seen that not only are the United States and Australia undoubtedly comparable as Western coordinating states in the international supplier nonproliferation system sharing strong common commitments to anti-proliferation objectives in the context of an alliance relationship, they are as discussed above uncommonly cognate members of this grouping.

35 Of course it is likely that all US allies are motivated to a greater or lesser extent by the desire to demonstrate their independence from the United States as the dominant leader of the Western alliance network. However, it seems likely that Canada represents a particularly strong, almost idiosyncratic, manifestation of this dynamic. Handel (1981) for example specifically concludes that Canada falls into this pattern to a far greater extent than Australia.
Design

The empirical design of the study reflects a structured-comparison research strategy. It uses the comparative case studies method, enriched by the incorporation of historical process tracing. The specific case study design is adapted from the 'multiple case studies design' (see Figure 1) spelled out by Robert Yin (1984), and specifically the 'embedded multiple case' version of this design involving both multiple units of analysis and multiple cases for each unit of analysis. Yin recommends this design as the preferred methodology for social science research that seeks to address questions of 'how' or 'why' (i.e. of descriptive and explanatory relevance), particularly when the focus is on contemporary phenomena for which archival sources are not available and for studies involving real-world events. This design is further enriched by the use of a historical process tracing element in the observations of each case.

Figure 1: Multiple Case Studies Design

Yin differentiates the 'embedded multiple case studies' version from the standard 'multiple case studies designs' as follows:

What distinguishes this type of analysis...is that the unit of analysis is clearly embedded within a larger case, and the larger case is the major interest of the study....In such instances, the appropriate analysis of the embedded unit of analysis should first be conducted within each case. The results should be interpreted at the single-case level and may be treated as but one of several factors in pattern-matching...at the single-case level. The patterns...for each single case may then be compared...
across cases, following the replication mode for multiple cases. Finally, the conclusions drawn for multiple cases can become the conclusions for the overall study (1984: 115).

Applying this embedded design to the present study, each of the two countries represent a unit of analysis, and each of the three issue areas represent a differentiated case. Thus, the study will employ a two-by-three (2x3) structure, with three cases each for two units of analysis, equalling six differentiated cases. This structure will permit three levels of comparative analysis: 1) for each actor comparing policies within each issue area over time (i.e., tracing the evolution of policies); 2) for each actor comparing policies among the three issue areas; and 3) comparing patterns between actors.

King, Keohane and Verba (1994) note that a single case study often contains many distinct observations. This is especially germane for case studies as broad as those in the present study. The implication is that further structuring can be useful at the sub-case level. Therefore, in order to facilitate comparisons among cases, and to maximise the cumulative value of the embedded case studies collectively, each constituent case uses the same generic template, representing a unitary typology of observations (see Figure 2). Notwithstanding this uniform structure, no attempt has been made to restrict the content of either the individual case studies, or the two sets of embedded case studies, to uniform lengths. Any attempt to impose this type of artificial balance among the differentiated cases would not only be impractical, but potentially prejudicial.36

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**Figure 2: Constituent Case Study Template**

<table>
<thead>
<tr>
<th>1. Relative priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Capability-denial*</td>
</tr>
<tr>
<td>a) national export control</td>
</tr>
<tr>
<td>b) limited-membership (global) supplier regimes</td>
</tr>
<tr>
<td>c) wider supplier norms</td>
</tr>
<tr>
<td>d) national enforcement (i.e. interdiction, sanctions, incentives, linkages)</td>
</tr>
<tr>
<td>e) other capability-denial (i.e. sabotage/destruction, targeted regimes, indirect measures)**</td>
</tr>
<tr>
<td>3. Non-possession Norm-building*</td>
</tr>
<tr>
<td>a) global treaty norms</td>
</tr>
<tr>
<td>b) other non-possession (i.e. regional/targeted mechanisms, indirect measures)**</td>
</tr>
<tr>
<td>4. Consequence-mitigation*</td>
</tr>
<tr>
<td>a) counterproliferation</td>
</tr>
<tr>
<td>b) deterrence</td>
</tr>
</tbody>
</table>

* See Chapter 2 for a complete explanation of these categories
**Amalgamated due to infrequent use

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36 In the first place, the respective units of analysis (i.e. US and Australia) vary materially in their complexity – the US has a far more complex internal policy-making process and employs a far wider array of proliferation response instruments. Secondly, although CW and BW are in many respects very different in terms of both their technical characteristics and the proliferation responses that they have engendered, and therefore appropriately are considered as separate issues, they nevertheless have often been lumped together. This has is mirrored in a degree of overlap in proliferation responses. Since this in turn creates redundancy in examining them separately, every effort has been made to minimise detailed repetition in each of the two BW case studies of areas already covered in the preceding CW case study.
Sources

Empirical data is derived from a mix of official documents, interviews with past and present officials, legislative testimony and statements, newspapers and other specialised news services, as well as some relevant secondary sources. Due to the extreme sensitivity of these issues on national security and other grounds, and the contemporary timeframe of the study, access to official documents has been somewhat limited, particularly in the case of classified US Executive Branch material. Requests submitted under the US Freedom of Information Act were only minimally successful for material dating from the Bush Administration, and were unsuccessful regarding material from the Reagan and Clinton periods.\(^{37}\) However, requests submitted under the Australian Freedom of Information statute were far more successful, yielding declassification and release of a substantial number of documents.

In order to offset this uneven access to classified documents, extensive use is made of non-documentary sources of information, including interview data and testimony. Every effort has been made to achieve an appropriate balance among these types of source, recognising their respective strengths and weaknesses.\(^{38}\) That said, there is a strong emphasis on interview data. This is consistent with Yin’s (1984) observation that the case study method – because it is best suited to the examination of contemporary issues for which archival sources are not readily available – may appropriately rely heavily on interview data.

Interview data are drawn from nearly sixty Interviews with present and past officials, ranging in position from desk officers to cabinet ministers.\(^{39}\) The interview strategy (i.e. interviews sought) for US officials gave the highest priority to cognisant assistant secretaries, deputy assistant secretaries, and office directors (or equivalents) at the State Department, Office of the Secretary of Defense (OSD), Arms Control and Disarmament Agency (ACDA), and National Security Council (NSC), as well as senior US negotiators in relevant multilateral fora. Secondary priority was given to more senior and junior officials from these agencies, and officials from other agencies (e.g. Energy, Commerce, intelligence). For Australian officials the highest priority was given to first assistant secretaries, assistant secretaries, and section directors at the Department of Foreign Affairs and Trade (DFAT), and senior Australian negotiators, with secondary priority assigned to more junior and senior DFAT officials.

\(^{37}\) A FOIA request for material from the Bush administration yielded the release of approximately 6000 pages of original documents. However, because the bulk of this material was unclassified, it proved to have only limited research value. A FOIA request for material dating from the Reagan administration is still pending, nearly two years after the initial application. No formal request was made for material from the Clinton period after being advised off the record that such a request would not be successful, and moreover would damage access to current officials as interview subjects.

\(^{38}\) For example, in the US system, Executive Branch testimony before Congress is vetted beforehand by the White House and other agencies. Therefore, officials testifying at committee hearings do not necessarily provide a full and accurate account of their agency’s views, but rather a sanitised version of these views that is consistent with agreed Administration policy. (At the same time, spontaneous answers by official witnesses to questions posed by committee members can often be quite revealing, especially when reading between the lines.) Likewise, in the Australian system parliamentary statements are even more formalised (and comparatively rare), representing binding statements of Government policy. These sources are therefore very useful as a gauge of formal policy positions. However, interviews – especially ‘background’ interviews where current and former officials feel at ease speaking freely – and in the US case also testimony by former officials, are useful tools for gaining candid insight into the internal decision-making process that led to those positions.

\(^{39}\) See Appendix 1 for position/rank equivalents between US and Australian officials.
officials, and officials from other agencies (e.g. Defence, intelligence).

**THESIS PROCEDURE**

Chapter 2 sets out a typology of national responses to proliferation that serves as a conceptual framework for the subsequent empirical and analytical elements of the study. This chapter begins by differentiating anti-proliferation from the cognate concepts of strategic trade controls and traditional arms control & disarmament. It then suggests distinguishing three broad anti-proliferation categories: 1) **capability-denial**; 2) **non-possession norm-building/maintenance**; and, 3) **consequence-mitigation**.

Chapter 3 then synthesises extant normative perspectives on the proliferation response categories identified in the preceding chapter in order to distinguish their conceptual strengths and weaknesses as well as to explore how they correspond with one another (i.e. whether they are complementary). For the purposes of the present study it is essential clearly to delineate such normative perspectives, because they represent the implicit conceptual underpinning of national perspectives, and thus by extension any differences discerned between the national perspectives of the United States and Australia.

Chapters 4 and 5 represent the empirical portions of the study. Chapter 4 begins by examining US anti-proliferation efforts generally, and then moves on to examine the individual proliferation areas in separate case studies (see Figure 2 above), concluding with a brief unifying summary of the patterns discerned across these case studies. Chapter 5 follows the same procedure for Australia. These empirical chapters, especially Chapter 4, are uncommonly long, comprising several nearly chapter-length sections. This asymmetric length for the empirical chapters is dictated by the case study design employed, which necessitates embedding the national case studies in two unitary chapters.

Chapter 6 begins with a summary comparison of the findings of the preceding empirical chapters. It then analyses possible explanations for the divergence that has been discerned between the proliferation response patterns of the two subject countries. It concludes by suggesting areas for complementary research and briefly considering the implications of the study’s findings for the effectiveness of Western anti-proliferation efforts as a whole.

**Appendices** 1–2 provide useful background information, on US and Australian official rank equivalents, and on their national possession and employment of CB/M. **Appendix 3** provides analysis of an opinion survey of US and Australian officials, as well as complete response data tables.

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40 Chapter 4 has been reviewed by the United States Government for security classification purposes. No changes of any substance were made as a result. No other part of this thesis has been submitted for security review. As with the study as a whole, the views expressed in Chapter 4 are those of the author and do not reflect the official policy or position of the Department of Defense or the US Government.
FRAMEWORK FOR ANALYSIS: A TYPOLOGY OF NATIONAL PROLIFERATION RESPONSE

A requirement for any investigation and analysis of national responses to proliferation is a precise understanding of the instruments covered by this class of activity, as well as how these instruments correlate to one another. The purpose of this chapter is to provide a comprehensive anti-proliferation typology, tailored to the requirements of comparative national case studies spanning different proliferation areas. In order to facilitate examination, analysis and comparison of the individual case studies, a unifying typology is needed that distinguishes broad conceptual approaches to proliferation response, and then identifies the specific policy instruments that fall within each of these approaches.

The chapter begins by establishing the outer boundaries of proliferation response as a class of activity, by distinguishing it from the cognate concepts of strategic trade control and traditional arms control & disarmament. It then suggests that national proliferation response can be divided into three broad conceptual approaches – capability-denial, non-possession norm-building, and consequence-mitigation. Finally, it identifies and describes the various specific policy instruments that can be used to support each of these approaches. (Discussion of the strengths and weaknesses of these approaches is taken up in the next chapter.)

BACKGROUND

In constructing an anti-proliferation typology, it is not necessary to start entirely from scratch. At the same time, there is no extant typology available that provides a satisfactory basis for a structured comparison of national policies. Indeed, one of the more glaring weaknesses in the proliferation literature is the absence of an authoritative, comprehensive framework to delineate the extensive array of instruments that countries use to respond to proliferation.1

Nonproliferation, counterproliferation, anti-proliferation, proliferation response, proliferation control, arms control; disarmament ... These terms are used disparately and often interchangeably within the proliferation literature to signify a hodgepodge of interrelated and overlapping concepts. This confusion largely stems from terms inherited from Cold War concepts being carried over and inexacty applied to newer proliferation concepts (Mutimer 1994). The problem is not so much that individual analysts have not been careful to delimit their usage of such terms – although regrettablly many have not – but rather that, lacking the overall parameters of a standardised umbrella typology, these ad hoc formulations frequently do not coincide, and occasionally are even used

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1 This is not surprising when one considers how relatively little scholarship has focused on national proliferation response (see Chapter 1). Even the wider study of anti-proliferation has only very recently become a major focus of sustained scholarly inquiry. Until less than a decade ago, to the extent that proliferation response was dealt with systematically as a discrete academic topic, it was treated either as a very minor autonomous category, or more customarily as a subordinate sub-category of the arms control & disarmament category. The anti-proliferation domain therefore is relatively immature as a field of scholarly inquiry, leaving inadequate time for consensus to coalesce on standardised concepts, categories, and definitions.
to convey diametrically different meaning. (Hence the reader is forewarned that the same terms will often be used with different specific meanings when they appear in quoted passages.)

A number of recent studies offer anti-proliferation typologies of one sort or another. However, these are not wholly consistent, suggesting that standardisation may remain elusive for some time yet. Furthermore, none are entirely satisfactory in themselves for the purposes of the present study. The main defects of these typologies (beyond their collective inconsistency) are their tendency to: 1) focus on only a portion of the comprehensive spectrum of anti-proliferation instruments across the proliferation areas; 2) treat these as a subset of the larger arms control and disarmament category (thereby conceptualising anti-proliferation within ill-fitting arms control paradigms); and 3) focus on international regimes rather than national policies.\(^2\) By way of illustration of these tendencies, one relatively comprehensive typology classifies the NPT as a proliferation prevention instrument, the CWC and the BWC as arms control instruments, the MTCR as a conventional arms control instrument, and omits the Australia Group and the Nuclear Suppliers Group (NSG) entirely, along with all unilateral and bilateral instruments (Dando 1992). Such idiosyncratic categorisation is especially problematic if, as is the case in the present study, the objective is to provide a framework for nuanced cross-case investigation and analysis of a broad spectrum of national proliferation response policies. A framework tailored for these purposes is therefore required.

WHAT PROLIFERATION RESPONSE ISN’T: SETTING PARAMETERS

It is important to set the conceptual parameters of proliferation response by demarcating cognate concepts that lie beyond them. In this regard, the export control-based elements of nonproliferation admittedly bear a close kinship with strategic trade controls. Likewise, the treaty-based elements of nonproliferation bear a correspondingly close relationship to traditional arms control & disarmament. However, notwithstanding these similarities, and even a degree of outright structural overlap, proliferation response as it has evolved over the past 10–15 years can be conceptually distinguished in significant ways from these Cold War concepts.

**Strategic Trade Controls**

There has been direct structural overlap between nonproliferation and strategic trade controls, in that Western countries have often superimposed nonproliferation export controls on existing strategic trade control implementation structures (e.g. legislative authorities, export licensing procedures). The two categories of activities also occur in tandem and very much spill over and influence each other. Indeed, this aspect of nonproliferation is often superficially thought of merely as strategic trade policy reoriented from West–East to North–South. However, it is important to understand that there are fundamental conceptual and structural distinctions between them.

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\(^2\) In fairness, few of these are stand-alone pieces that aspire to be comprehensive but, rather like the current chapter, address the scope and needs of a specific study at hand. Davis (1999) stands as a notable exception, although his brief typology is only offered in the context of a critical opinion piece. For examples of relatively comprehensive anti-proliferation typologies, see Croft (1996), Dando (1992), Müller (1994), Mussington (1994), Schneider (1994) and Simpson (1998).
The most fundamental difference lies in what is controlled, and in relation to which countries. Nonproliferation export controls focus only on exports that are relevant to a narrow class of weaponry (i.e. WMD and missiles) that is deemed to be so abhorrent that exports to any country that could contribute to the development of such weapons must always be prevented. Such controls, therefore, involve close scrutiny of such exports to any destination. By contrast, strategic trade controls focus on the entire range of militarily relevant trade, but only involving recipients that are deemed so abhorrent that contributing to any aspect of their military capability must always be prevented.

Confusingly, there is some overlap in functional coverage between the two categories. Strategic trade controls do apply to WMD, and even more so to missiles, by virtue of these being weaponry (i.e. because strategic trade controls apply to any and all militarily significant capabilities). However, because strategic trade controls apply equally to all manner of armaments and military technology, they focus overwhelmingly on conventional armaments rather than WMD, since conventional weapons and technology represent the bulk of militarily significant trade (Wendt int.). The relative abhorrence vis-à-vis these different types of items does not really enter into the equation. The goal of strategic trade controls, rather than preventing the spread of specified weapons – a core goal applying universally to all aspects of nonproliferation – is instead to stymie the organic military capabilities of hostile states (Bryen tst. 1989). This category of activities is therefore narrowly targeted at states that are perceived to pose direct military threats (sometimes unfashionably known as enemies). Put another way, whereas nonproliferation export controls target only specific classes of armaments, strategic trade controls target only specific classes of recipient countries.

The conceptual distinctions between strategic trade controls and nonproliferation export controls are reflected in pronounced structural differences. International cooperation on the former, as embodied by the now defunct Coordinating Committee on Multilateral Export Controls (COCOM), requires a strong consensus on who, precisely, the enemies are. Such a consensus allows for an extremely draconian approach. Because COCOM targeted hostile countries that posed direct military threats to all of its members, it represented a method of economic warfare, functioning as a 'sharp stick' with which to try to punch holes in the militarily relevant industrial bases of those countries ([State] int.). COCOM accordingly was able to exercise a virtual veto over all East–West transfers of militarily relevant equipment and technology. By contrast, nonproliferation does not assume any political consensus about the

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3 In the case of COCOM, the West had just such a consensus throughout the Cold War regarding the Soviet Union and other communist countries, but when the Soviet Union collapsed, so too soon after did COCOM. Despite strenuous efforts by some senior US officials in the aftermath of the Cold War to redirect COCOM from its original East–West orientation to a North–South orientation, this initiative faced implacable opposition from other Western countries (Wendt int.). In the end, COCOM was replaced by the so-called Wassanaar Arrangement, which is less a coordinating body for strategic trade controls than a relatively ineffectual information sharing arrangement for conventional arms transfers to certain destinations. Virtually all Western countries still have strategic trade control systems, and these still overlap with national implementation of nonproliferation export controls. However, they are now implemented strictly on a national basis, based on each country’s perceptions of its own strategic interests.

4 Some interview subjects have asked not to be cited directly by name. In such cases a parenthetical citation is used to indicate that the source is an interview. The affiliation of the interview subject is also provided when this information would not compromise the anonymity of the source.
nature of the countries targeted. This allows nonproliferation export controls to be practised by, and theoretically coordinated among, a much more diverse group of countries. But it also means that these countries will have to apply such controls to recipients that they do not necessarily regard as hostile. Indeed, Western countries routinely apply nonproliferation export controls to suspected proliferators who also happen to be friendly countries or even close allies (e.g. Argentina, Brazil, India, Israel, South Korea, Taiwan). Moreover, they also routinely apply nonproliferation controls to countries that are not suspected proliferators, including even each other. It goes without saying that no country wants to use too sharp a stick against its friends and allies, not to mention get poked with such a stick itself.

Contemporary multilateral nonproliferation export controls therefore as a rule bear only the most superficial resemblance to the Cold War COCOM system. They do not target the industrial base of any country. Rather, nonproliferation employs gentler, flexible, and inevitably weaker methods. It is left to individual countries to make decisions that take into account their own assessments of the proliferation risk posed by both the specific commodity and the specific end-user on a case-by-case basis. A dramatic illustration of this is the effective loosening seen in Western dual-use exports to China once the basis for controls on such items shifted in the mid-1990s from strategic trade to nonproliferation (Clarke & Johnston 1999).

The bottom line is that unilateral strategic trade controls may an effective way for an individual state to augment nonproliferation efforts against unambiguous national adversaries. Other than in highly unusual cases (e.g. Iraq), however, it is difficult in practice to multilaterise such efforts with strict, COCOM-style arrangements under the generic banner of nonproliferation.

Traditional Arms Control & Disarmament

Treaty-based nonproliferation bears a close relationship with traditional arms control & disarmament. The two categories of activities often occur in tandem and tend to spill over and influence each other. There is also an area of functional overlap in that disarmament does play a specific, though to date disproportionately minor, nonproliferation role (i.e. the ‘reversing’ element). This aspect of nonproliferation is often thought of merely as traditional arms control reoriented from West–East to North–South. However, here too conceptual and structural distinctions are frequently drawn between these categories. Given the overlap between these areas, it is arguable that trying to delineate neat conceptual distinctions represents an unnecessary and artificial exercise. Certainly any such lines unavoidably must be both imprecise and confusing. That said, a counter argument can be made that such distinctions are becoming increasingly important, because hybrid policies have emerged in recent years that intermingle arms control and nonproliferation goals and methods (Davis 1999). In any case, the fact remains that these concepts are

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5 No horizontal BW proliferation is known to have been rolled back under the aegis of the BWC. A few countries unexpectedly declared covert programs under the CWC, although this apparently came as a surprise to most participants and, in any case, represents a small fraction of suspected covert proliferators. Overall, most historic cases of ‘rollback’ have not occurred as a direct result of nonproliferation arms control, but rather due to other factors, for example changes in regime or geopolitical environment.

6 Davis is highly critical of this recent trend of muddying of distinction between arms control and
often differentiated in the literature and among policy-makers. It is therefore essential to clarify how they are to be understood in the present study.

As noted above, the concepts of arms control, disarmament, and nonproliferation are often used interchangeably within the proliferation literature. But it is also common to see them being differentiated. As if this were not confusing enough, in the cases where they are distinguished, the way in which they are distinguished often varies. And just to muddy further the definitional waters, one of the most prevalent ways in which the terms are distinguished does not correspond to the differentiation criteria used here.

One of the most widespread forms of differentiation, both within the academic literature and in some official usage, equates the term disarmament with any and all legal treaty instruments and the term nonproliferation narrowly with export control instruments.7 There is a strong undertone of political expediency to parsing the definitions in this way, since many Third World countries have visceral objections to the very idea of nonproliferation, and therefore prefer not to have the term associated with which they are parties (Herby 1991). In some ways, this politically motivated distinction may be as or more important than the conceptual distinctions that follow in explaining the persistent differentiation among these terms.

For the present study, the most relevant differentiation is not between disarmament and nonproliferation, but rather between two separate classes of nonproliferation. In other words, proliferation denial instruments (e.g. export controls), and treaty instruments designed to address proliferation (e.g. NPT, CWC) are both treated as sub-categories falling under the umbrella concept of nonproliferation (see next section). Thus, the main distinction that is most interesting for our purposes is between traditional arms control & disarmament (e.g. START, INF, CFE) on the one hand, and all classes of nonproliferation (including treaty-based nonproliferation) on the other.8 It is precisely this type of larger distinction that Fergusson is referring to when he states: 'The political agenda...has come to be dominated in recent years by the universal non or counter-proliferation approach....In contrast, the arms control approach, which has dominated in the past, has largely disappeared' (1995: 69).

The conceptual distinction being observed here (i.e. between traditional arms control & disarmament and treaty-based nonproliferation) is in many ways analogous to the distinction made in earlier theorising between the concepts of arms control and disarmament themselves. Seminal works in this area during the early part of the Cold War, for example Schelling and Halperin (1961) and Bull (1965), carefully distinguish between the concepts of arms control and

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nonproliferation as separate classes of activity. The most germane example of a hybrid instrument that he cites is the BW Trilateral Process with Russia. However, based on the current typology, I regard this unambiguously as an arms control instrument, notwithstanding any attendant nonproliferation rhetoric (see Chapter 4). More apropos examples might include the US–ROK NHK-II arrangement or the US–DPRK missile talks.

7 This specific distinction has become less prevalent in American official usage. However, it still tends to be adhered to in Australian circles. For a well developed conceptual typology based on this distinction, see Zanders (1997).

8 There is a longstanding debate in the literature on traditional arms control & disarmament about whether confidence building agreements such as the successive Vienna Documents or the US–Russian Incidents at Sea agreement should even be included in this category. Typically, such instruments, which constrain but do not eliminate military forces, are distinguished as 'soft' arms control. For the purposes of the present study, traditional arms control & disarmament is widely defined to encompass all such instruments.
disarmament. In doing so these theorists implicitly seek to distance the arms control efforts of their day from the discredited disarmament experiments of the preceding inter-war period. J. L. Richardson explains how the differences between the arms control and disarmament schools were manifested in the conceptual debates of the 1960s:

The goals of arms control were generally taken...to be to reduce the risk of war, especially nuclear war; to reduce its destructiveness, if it should occur; and to reduce the cost of preparedness (the burden of the arms race), in that order of priority. An important implication of this ranking of the goals was that disarmament, the reduction of arms, was not necessarily desirable unless it could be shown as likely to promote the primary goal, reducing the risk of war. The arms control school did not assume, as the disarmers had tended to, that agreed measures of disarmament would ipso facto achieve this. In the same way, arms control agreements were not desirable for their own sake, but for their consequences (1987: 5).

Today these concepts have come to be used almost interchangeably. At most they are distinguished in current parlance by a useful but nonetheless rather narrow technical distinction along the following lines:

Arms control refers to agreements designed to regulate arms levels either by limiting their growth or by restricting how they may be used. This is a far less ambitious endeavor than disarmament, which seeks to reduce or eliminate weapons (Kegley & Wittkopf 1991: 461).

The reason that the fundamental conceptual rift between them is no longer operative is quite simply that the tenets of the arms control school that Richardson describes eventually became the dominant paradigm for Cold War arms control & disarmament as a whole.9 This, then, is the conceptual basis for all aspects of what we now refer to as traditional arms control & disarmament, wherein the value of constraints or reductions is not seen as inherent, but instead as contingent on whether the consequences enhance security or other beneficial objectives (Dougherty & Pfaltgraff 1990: 413; Fergusson 1991).

It is this core premise of traditional arms control & disarmament that brings us to the basal conceptual distinction between this category and treaty-based nonproliferation. In other words, there is a difference involving goals along roughly the same lines to those posited in the 1960s between arms control and disarmament. Whereas the objectives of traditional arms control & disarmament are conditional, those of nonproliferation are fixed and absolute. The nonproliferation sphere does not encompass all types of armaments, but only those weapons deemed to be so intrinsically dangerous and abhorrent (i.e. WMD and associated missiles) that an absolute goal can be set to prevent or reverse their spread in any and all circumstances.10 Thus, our attitude regarding

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9 It should be noted that Fergusson posits that the arms control paradigm did not necessarily win this debate, suggesting instead that the distinction merely became muddled in the popular imagination. He states: 'Arms control became conflated with the notion of disarmament, in that the former came to be seen as a realistic means of achieving the latter' (1991: 192). In any case, the essential point for us is that the arms control paradigm became the paradigm after the mid-1960s for arms control & disarmament.

10 As noted above (Chapter 1: 3, especially footnote 11), there is an active debate within the proliferation literature about the potential merit of broadening the scope of nonproliferation by extending the stigma of illegitimacy beyond merely WMD and associated missiles. However, the prevalent
the possession by country X of a thousand tanks could be positive or negative, depending on our political relationship with country X, our opinion of its intentions, our opinions of the corresponding capabilities and intentions of its neighbours, etc. By contrast, our attitude regarding the possession by country X of even a single biological weapon is conclusively negative without any additional information.11 This difference in goals – based on the difference between the contingent versus inherent judgement of the legitimacy of the targeted weapons – separates all aspects of nonproliferation from all aspects of traditional arms control & disarmament. The bottom line is that, unlike traditional arms control & disarmament, nonproliferation conceptually judges the proliferation of certain types of weapons to be inherently intolerable, and the freezing or reversing of such proliferation to be inherently beneficial.12

A codicil to this fundamental conceptual distinction is that it is grounded in a pre-existing status quo demarcating ‘haves’ and ‘have nots’. On one side of this line, activities involving specified armaments are treated as traditional arms control & disarmament, and on the other side as nonproliferation. This line is particularly significant in terms of the negotiation of treaty-based nonproliferation instruments. The distinction derives from the truism that, in order to engage in traditional arms control & disarmament, one must already have, and be acknowledged to have, armaments to control and disarm. Consequently, whereas traditional arms control & disarmament is something that acknowledged ‘haves’ do amongst themselves for their own contingent reasons, treaty-based nonproliferation is something that ‘haves’ and ‘have nots’ alike do specifically in order to make sure that no new ‘haves’ are created.13 In other words, nonproliferation is embedded with a conception of a fixed status quo of ‘haves’ and ‘have nots’. Accordingly, ‘By definition, any legal instrument giving expression to the goal of non-proliferation implicitly defines the freezing of the...status quo as the minimum floor of success’ (Leaver 1997b: 167). This minimum floor can then be extended to include reversing instances where prevention has failed in order to restore the status quo. However, going beyond this floor by affecting the status quo ‘haves’ is, at least from their perspective, crossing the conceptual line that separates nonproliferation from traditional

perspective is that the term ‘nonproliferation’ should be used exclusively in connection with WMD. That said, a grey area is clearly emerging as real-world momentum builds to renounce certain exceptionally odious non-WMD weapons (landmines, blinding lasers).

11 Although just how negative depends on contingent factors. For example, while the United States in principle regards nuclear proliferation on the part of both friend Israel and foe North Korea negatively, indubitably it is more negative about North Korea.

12 The 1925 Geneva Protocol banning the use of CBW represents something of a hybrid in this and other respects. It is clearly an arms control rather than nonproliferation instrument, because it does not affect possession, but merely use (and for many countries for most of its existence merely first-use). However, it treats the use (or at least first-use) of CW as inherently vile. Moreover, like a nonproliferation instrument, it seeks universal adherence by ‘haves’ and ‘have nots’ alike (see below). Finally, it has an indirect nonproliferation benefit, in that to the extent it deters use, it creates an indirect disincentive for possession.

13 Arrangements among ‘haves’ to constrain or reduce their weapons therefore constitute traditional arms control & disarmament rather than any version of nonproliferation. The significance of this conceptual distinction for the present study can be fully appreciated by noting that, whereas virtually every element of US force structure has been subject to the constraining effects of arms control & disarmament, Australia did not engage any type of traditional arms control & disarmament (i.e. constraining or reducing something it has) between the Washington naval agreements in the 1930s and the recently-concluded Ottawa Convention on landmines. All of Canberra’s so-called arms control & disarmament efforts in the intervening years were focused on either: 1) encouraging others to engage in traditional arms control & disarmament; or 2) nonproliferation.
arms control & disarmament.\textsuperscript{14}

This conceptual distinction becomes crucial when examining the policies of a status quo ‘have’ such as the United States, and even more so when comparing these to the policies of a ‘have not’.\textsuperscript{15} The status quo orientation of nonproliferation is organically embedded in the US Government’s operative definition of proliferation: ‘Proliferation is the spread [emphasis added] of nuclear, biological and chemical capabilities and the missiles to deliver them’ (Poneman official [off.] 1994, 18 February). The core purpose of Washington’s nonproliferation policies therefore by definition is to prevent the spread of certain weapons or to reverse such spread in the event that it occurs. In other words, nonproliferation is defined as preventing a change in the notional status quo.

The definitional emphasis on a proliferation status quo begs the question: where and by whom is this benchmark set? This question does not pose a particular problem for the nuclear milieu in which the concept of nonproliferation was invented. In the context of the NPT, the benchmark of ‘haves’ and ‘have nots’ was formally established at a fixed point in time, and has been carried forward. The division of labour between nuclear arms control & disarmament and nuclear nonproliferation thus is clearly drawn. So India and Pakistan may now be overt nuclear powers, but the rest of the world still declines to treat them as status quo ‘haves’. But determining comparable benchmarks is more difficult for the other proliferation areas, since the status of ‘haves’ and ‘have nots’ is \textit{ad hoc} and variegated by contrast.\textsuperscript{16} At least one analyst defines the status quo simply as any proliferation beyond the United Nations Security Council’s (UNSC) five permanent (P-5) members (Müller 1997).\textsuperscript{17} Others seem to make an unstated assumption that the status quo is set by the situation that existed in the late 1960s or early 1970s. At an absolute minimum, the status quo might be defined as the declared possessors at the advent of negotiations for a global non-possession norm, although this, too, presents problems.\textsuperscript{18} At any rate, the point is that there is no broad consensus either in the literature or among countries on where to draw the line.

The concept of a proliferation status quo is most germane when there are

\textsuperscript{14} This is not to say that disarmament cannot occur in conjunction with nonproliferation. Indeed, many ‘have nots’ insist that this is a necessary parallel activity, or even a prerequisite, for their participation in nonproliferation. Therefore, encouraging wider participation in treaty-based nonproliferation may be seen as among the various reasons for ‘haves’ to engage in disarmament (i.e. leading by example). For example, under the aegis of the CWC negotiations the United States and the Soviet Union (as the two acknowledged CW-possessor states) engaged in traditional bilateral disarmament between themselves – with encouraging CW nonproliferation as one (albeit minor) of their many contingent goals and considerations – while they and all of the other participants in parallel were negotiating nonproliferation for everyone else.

\textsuperscript{15} Note that the status quo status of the US varies across the different areas. The US possessed BW until the early 1970s, continues to possess CW, but is in the process of eliminating it, and continues to possess nuclear weapons and their means of delivery.

\textsuperscript{16} Taking 1990 as a snapshot year when CBWM proliferation first achieved conspicuous international attention: BW proliferation was widespread, with no acknowledged possessors; CW proliferation was widespread, with the United States and Soviet Union as acknowledged possessors; missile proliferation was widespread, with numerous acknowledged possessors, and the United States and the Soviet Union as the only formal non-possessors (for intermediate-range systems).

\textsuperscript{17} However, since China does not have existing capabilities in some of these areas (e.g. long range cruise missiles), it is unclear whether it should be considered a ‘have’ in all instances.

\textsuperscript{18} One obvious problem is that no such treaty norm, nor even negotiations for such norm, exists or has ever existed for missiles. Perhaps since the BWC specifically bans means of delivery, this could be used as an expedient means to define the missile status quo, but this would clearly be taking licence.
acknowledged ‘haves’. Once the number of acknowledged ‘haves’ reaches zero – for example in the BW area after the United States and Soviet Union signed on to the BWC in the early 1970s – the conceptual line of demarcation is eliminated and the endeavour becomes the same as the inherent nonproliferation goal – to prevent the emergence or re-emergence of specified armaments everywhere. The concept of a status quo therefore is very important in cases where there are no global bans, or while such bans are being negotiated, but are nearly irrelevant thereafter.19

The distinguishing conceptual features of nonproliferation – inherent objectives based on a fixed status quo – create a number of corresponding structural differences between the scope and content of nonproliferation versus traditional arms control & disarmament treaties. Not every treaty or agreement dealing with proscribed armaments constitutes nonproliferation. By definition nonproliferation instruments do not deal with the issues of deployment or use; and when disarmament is used to achieve the nonproliferation goal of reversing proliferation, it must involve the complete and permanent elimination of the target class of weapons and all associated production infrastructure. An agreement involving caps or partial reductions, because it accepts the existence of some weapons, can only be considered as nonproliferation to the extent that it explicitly treats such elements as interim measures on the path to complete and permanent elimination.

Zanders in effect describes this functional manifestation of the difference between the contingent goals of traditional arms control & disarmament versus the inherent goals of nonproliferation (although he expresses this in terms of arms control versus disarmament):

Arms control [meaning traditional arms control and disarmament] consists of a set of security policies aimed at managing quantitative and qualitative levels of particular arms categories. The respective ceilings on weaponry can be placed higher or lower than the levels existing at the time of negotiations. Disarmament [meaning treaty-based nonproliferation] comprises a subset of arms control policies that seek to reduce the level of a particular arms category to zero among the parties concerned (1997: 19).20

Fergusson (1991) takes this differentiation an intriguing step further, by

19 That said, Fergusson asserts that the distinction between ‘haves’ and ‘have nots’ continues to distinguish treaty-based nonproliferation from traditional arms control & disarmament even after all ‘haves’ become ‘have nots’. He notes: ‘Although both may agree not to possess certain types of weapons, the developed advanced states have the ability to produce prohibited weapons quite rapidly,’ concluding, ‘Effectively, the problem relates to the purpose of nonproliferation relative to arms control’ (1995: 82). As a concrete example of such residual relevance, the US formally indicated as a condition of its ratification of CWC that, if it perceived a strategic threat due to non-compliance or non-participation, it would withdraw from the treaty in order to reassert its status quo ante as a ‘have’.

20 It is clear from the context of this quote – an article that tries to apply traditional arms control and disarmament concepts to the new nonproliferation agenda – that he is in fact trying to distinguish between traditional arms control and disarmament and nonproliferation disarmament. It should be noted that this is not a particularly good definition of traditional arms control in that it focuses solely on types and levels of armament. As noted already, in addition to types and quantities of weapon, traditional arms control can apply to constraints on the deployment or use of both armaments and personnel. For example, the Conventional Forces Europe (CFE) Treaty restricts the geographic location of treaty-limited equipment, and the Vienna Document(s) on Confidence and Security Building Measures restricts the size, timing and secrecy of military exercises.
asserting that even completely eliminating a class of weapons does not necessarily equal disarmament if this is done for the contingent reasons of arms control. He gives the example of INF, arguing that, because this class of weapons was eliminated to promote stability in the specific context of the Cold War confrontation in Europe, rather than because its elimination was seen as inherently beneficial – or we might add because they violated an established status quo – it should be seen as arms control rather than disarmament.

The line between traditional arms control & disarmament and nonproliferation roll-back is obviously fuzzy. However, while it is debatable where this line should be drawn, the conceptual distinction remains useful. Let us use topical case of India and Pakistan to consider various examples of this distinction. Neither of these states are status quo ‘haves’. But having each acquired nuclear weapons and nuclear-capable missile delivery systems (i.e. the preventative element of nonproliferation having failed in both cases), they and other states might see value in measures to manage the risks posed by this situation (e.g. capping weapons numbers, restricting missile deployments, establishing ‘hot-line’ capabilities and procedures) (Kamal 1999; Talbott 1999; Yasmeen 1999). Such contingent measures, however, constitute traditional arms control rather than nonproliferation. Indeed, to the extent that others were to welcome such arms control arrangements targeting proliferated weapons, nonproliferation goals could actually be undermined in that possession would be in some measure legitimised. Turning to actual reductions in proscribed armaments, imagine that the two countries were to negotiate reductions in their respective inventories of WMD-capable missiles to a symmetrical level far below the current inventory for each. This would very likely be a positive achievement from a traditional arms control & disarmament perspective. But it is not nonproliferation because the agreement retains proliferated missiles, and again, to the extent that such an agreement is blessed by others, it can be said to damage nonproliferation by legitimising these residual inventories. Now let us imagine that the missiles in question are relatively primitive, and that to facilitate this bilateral agreement, outside countries agreed not to oppose the countries’ upgrading the quality of the residual inventory. This still may or may not be a positive outcome from a contingent arms control & disarmament perspective, but assuredly it would be a nonproliferation catastrophe, since not only would the existence of the residual proliferated missiles be legitimised, but the qualitative proliferation would have actually been facilitated. So while qualitative and quantitative enhancements of the capabilities of non-status quo ‘haves’ always constitutes proliferation, the opposite (i.e. reductions of their capabilities) counterintuitively does not automatically constitute nonproliferation.

The conceptual differences between nonproliferation and traditional arms

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21 A modest first step along these lines was taken in February 1999 when the Prime Ministers of the two countries signed a missile launch notification agreement.

22 Australia, Britain, the United States and others did at one point make a half-hearted attempt to encourage India and Pakistan to negotiate a non-deployment agreement for their nuclear-capable missiles, as well as associated confidence building measures (CBMs). In doing so, however, they appear to have been careful to make clear that this initiative was intended to promote regional stability rather than nonproliferation, and that enacting such measures would not alter the status of these countries as proliferants (DFAT off. 1993, 5 July). It will be interesting to see whether recent nuclear and missile tests sparks renewed interest in promoting arms control, even at the expense of tacitly bolstering their status as de facto ‘haves’.
control & disarmament affect the composition and scope of treaties in the different categories in other ways. Because the latter category is designed to achieve goals such as minimising the risk or cost of conflict, it is only worthwhile to the extent that it occurs among potential enemies, since such goals are irrelevant among countries that would not fight a war in any case (Gray 1993). This is not the case with nonproliferation, which seeks to prevent any spread of specified weapons types beyond a fixed status quo, encompassing friend and foe alike. Consequently, traditional arms control & disarmament in practice tend to occur in bilateral instruments between potential enemies (e.g. START, INF) or between groupings of potential enemies (e.g. CFE), whereas treaty-based nonproliferation occurs in broad multilateral instruments among heterogeneous groups of states.

Finally, whereas traditional arms control and disarmament concentrates on existing weapons, nonproliferation tends to focus on preventing the future acquisition of weapons capabilities (Fergusson 1995). For this reason treaty-based nonproliferation has sometimes been described as disarmament before the fact. Consequently, whereas traditional arms control & disarmament deals primarily with armaments and secondarily with associated production capabilities, treaty-based nonproliferation deals primarily with production and even pre-production capabilities. This means that functionally the scope of nonproliferation treaties tends to cover a much wider range of dual-use facilities and activities.

THAT WHICH IS TO BE TYPIFIED: DISTINGUISHING CONCEPTUAL APPROACHES TO PROLIFERATION RESPONSE

Having considered what proliferation response isn’t, we can now turn to a discussion of what it is. There are several conceivable ways to parse this category conceptually. Multilateral nonproliferation regimes can be grouped by issue – e.g. nuclear regimes (NPT, NSG) versus CW regimes (CWC, AG). Alternatively, they can also be categorised by function – e.g. legal bans (BWC, CWC, NPT) versus export control arrangements (MTCR, AG, NSG). Both of these common methods for grouping multilateral instruments within the international nonproliferation system offer advantages for studies that focus on the system as such. But neither is optimal for comparing the national policies of actors operating within that system. International regimes represent the basic unit of analysis for studies of the international system. However, it is national policies, rather than multilateral regimes, that represent the basic unit of analysis for studies of an actor’s responses to proliferation. There are two reasons for this. First, some national proliferation response instruments do not involve multilateral regimes (e.g. unilateral sanctions). Second, individual multilateral regimes may serve multiple purposes as national policy instruments.

To illustrate the latter point, recall the above discussion on the conceptual differences between traditional disarmament and nonproliferation, including the example of the parallel disarmament and nonproliferation objectives that the United States pursued under the aegis of the CWC negotiations. During the ratification process, the Clinton Administration stressed that as a tool of national policy, the CWC served at least two purposes, serving as both a mechanism for

23 The former approach is especially useful for studies of a single issue-element of the international nonproliferation system (e.g. the nuclear nonproliferation system). The latter approach is useful for studies spanning the overall international nonproliferation system.
US–Russian disarmament and a global nonproliferation vehicle (Christopher tst. 1996; Deutch tst. 1994; Perry tst. 1996). The US had explicitly recognised this during the negotiations themselves:

The CWC will ban the use, development, production, acquisition, stockpiling and transfer of chemical weapons. It is therefore designed as both an arms control agreement requiring the declaration and destruction of existing stocks, and as a nonproliferation tool designed to prevent the further spread of CW (ACDA & State Department tst. 1990: 281).

In fact the CWC serves an even wider range of purposes, including as a disarmament instrument, as a non-possession norm, as an export control regime, and even as a vehicle to promote technology sharing, cooperation, and economic development. Ergo, the fact that country X and country Y each support the CWC – a statement that at one level would be equally valid for the United States and Iran – does not tell us what extent they do so and for which of its purposes.\(^{24}\) This observation is true of many instruments that simultaneously support different nonproliferation purposes.

Another possible categorisation method that does focus on national responses is by the type of instrument employed (e.g. diplomatic, economic, military). A more subtle variation would group instruments according to contrasting attributes – e.g. coercive versus cooperative, discriminatory versus universal, like-minded versus pluralistic, voluntary versus imposed, optimistic versus pessimistic, intrusive versus sovereign, unilateral versus multilateral (Schneider 1994; Wright 1993). Again, there is nothing intrinsically wrong with these or any other method of categorisation, and indeed such categories embody important conceptual distinctions. But the key distinction for the present study is not the characteristics of a given instrument, but rather the policy purpose that the government employing it is trying to promote. Put another way, our typological goal is to group instruments according to the objectives that they serve, rather than to group objectives according to the instruments that serve them.

The first step in constructing a tailored typology for a comparative study of national proliferation response is to conceptualise the underlying purposes that anti-proliferation instruments promote. This will then allow us to group the sundry instruments according to the approach each supports. In order to meet the specific needs of the current study, these descriptive categories must be sufficiently expansive to encompass at a minimum the full spectrum of national proliferation response instruments used by the two subject countries, and preferably by all Western supplier countries.

It is reasonable to assume that the United States, by virtue of its status as the lone superpower among Western states, utilises the broadest possible range of instruments. As an expedient, therefore, the scope of these descriptive categories may be calibrated on a requirement to take in all elements of US proliferation response. US anti-proliferation efforts encompass the following objectives:

the use of the full range of political, economic and military

\(^{24}\) One of the few comparative politics studies looking specifically at Australia and the United States makes this precise point regarding their attitudes towards the CWC (Siracusa and Cheong)!
tools to prevent proliferation, reverse it diplomatically or protect our interests against an opponent armed with weapons of mass destruction or missiles, should that prove necessary (Poneman off. 1994, 18 February).

These goals can be divided into three broad approaches: 1) capability-denial; 2) non-possession norm-building; and, 3) consequence-mitigation.25

Capability-denial: Supply-side Nonproliferation

One of the two basic approaches to nonproliferation is for supplier countries to seek to deny the capability of ‘have not’ countries to acquire proscribed weapons. This is accomplished not only by impeding access to the weapons themselves, but also to equipment, technology, services, and knowledge that could contribute to indigenous development of such weapons. Because this approach focuses primarily on inherent capability, with a country’s intentions only a secondary factor, it can be thought of as strict nonproliferation. Virtually every ‘have not’ country is a potential target for supply-side nonproliferation.

The primary characteristic of this approach is that it is the exclusive domain of supplier countries. It is most effective when there is cooperation among all or most suppliers so that they do not undercut one another with inconsistent rules or implementation. However, although this type of supplier cooperation may or may not exist, by definition it does not extend to recipients.26 In other words, ‘The target country is not a participant in the establishment and execution of the rules’ (Zanders 1997: 19). This means that the approach does not require the consent of, or participation by, these countries in order to work effectively. That said, its effectiveness varies depending on the extent to which a given proliferator is dependent on outside sources to acquire a given capability.

The overall goal of this category of activity at any point in time is to impede further proliferation from occurring. It is therefore self-consciously prophylactic in character. Roll-back of proliferation may be achieved indirectly by thwarting programs of proliferation concern for long enough, or to such an extent, that the proliferators themselves give up the game. However, the main focus is to prevent rather than to reverse. Moreover, in reality the goal of preventing proliferation often translates to the more modest objective of merely slowing it down. This overall purpose may entail any number of subsidiary goals:

Supply-based...[instruments] may serve overlapping purposes. First, they might directly create or reinforce barriers to entry into production by denying or hindering

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25 Two out of three of these roughly track with the three categories that Simpson (1998) suggests for classifying approaches to nonproliferation: 1) denial strategies; 2) norm building; and, 3) mechanisms to deal with non-compliance. However, I would argue that compliance mechanisms are not a discrete approach, but rather a means of strengthening implementation and enforcement of one or the other nonproliferation approaches (i.e. denial strategies and norm building). Moreover, because the present study is examining national responses to proliferation broadly defined, we need a conceptual framework that includes instruments that go beyond nonproliferation.

26 Or at least not in their role as recipients. Recall that supplier countries are defined as those that have the capability to contribute to the acquisition of proscribed weapons. Most of these countries in fact are themselves ‘have nots’ in terms of possession of actual weapons. Some countries with intermediate capabilities often are both administrators and targets of this approach.
the acquisition of significant material, equipment or technology from foreign sources. This may be sufficient to block a program, or it may force the proliferator to push its foreign acquisition efforts farther from the direct production stream and produce more of its inputs and stages domestically. In either case, this could increase costs and difficulty and affect the quality of the resulting weapon...Second, they may be vehicles to extend safeguards and other controls over the entire range of a state's civilian production stream, thus forcing the state to begin clandestine operations farther upstream. Third, they may be used to shape a state's production capacity in certain directions and to discourage its evolution in others. Fourth, they may be used to obtain more information about a state's production capability, intentions and activities (Keeley 1995: 24–25).

Notwithstanding variations in the rules and their implementation among supplier countries and across proliferation areas, the basic formula for the supply-side approach is well established.

Because capability-denial focuses on preventing the spread of inherent capability, it seeks to do so at the earliest feasible stage. The approach therefore is innately concerned as much, or more, with production capabilities as it is with weapons per se. However, the production capabilities to be denied are strictly limited to those that directly contribute to proscribed weapons. Judgements about whether to seek to deny a particular country's access to a particular item are based on: 1) the inherent proliferation risk posed by a given item, defined as precisely how directly it could contribute to a proscribed capability; and 2) the proliferation threat posed by a given country, defined as whether and to what extent it is suspected of trying to become a 'have' in defiance of the nonproliferation status quo. Thus the approach is grounded in an ongoing series of case-by-case judgements by suppliers regarding both inherent capability and intentions. In cases where an item is judged to have an extremely high inherent capability to contribute to proscribed weapons, this consideration generally takes precedence over considerations of possible intent. In cases where the item poses a moderate inherent proliferation risk, and particularly if it has other non-proscribed uses (i.e. dual-use), then intention is taken heavily into account. In cases where the item poses a low inherent risk, then intention is left as the only consideration.

Non-possession Norm-building: Cooperative Nonproliferation

The second basic approach to nonproliferation is to get governments to consent to abide by legally-constructed norms against possession of proscribed weapons. In other words, this approach seeks to secure and enforce voluntary pledges that, whether or not a state has the latent capability to proliferate, it does not intend to do so.

Under this approach, countries agree to forswear acquiring a specified class of weapons, and to eliminate any that have been acquired already in contravention to the nonproliferation status quo. This approach is accomplished by working to build, broaden, strengthen, and maintain agreements proscribing possession. Because this approach requires the consent of its targets, it can be thought of as cooperative or consensual nonproliferation. The ultimate objective of the approach is universally to eliminate demand for proscribed weapons by
codifying and demonstrating participant countries' intentions not to possess them, whether or not they have the inherent capability to do so. ‘Such agreements direct their efforts towards eliminating demand’, one analyst observes, by creating ‘confidence in and commitment to the disarmament regime’ (Wright 1993: 163).

Although the main characteristic of the norm-building approach is that it is consensual, a variety of means may be used to secure a government’s consent, including coercion. To take an extreme example of the latter, UNSCOM can be considered to be a consensual arrangement in a strict sense, although the means used to obtain (and maintain) Iraq’s consent were highly coercive.27 Turning to a more typical example, the CWC has built-in penalties for non-members, which are explicitly designed to encourage wide participation. Noting the often coercive means that Western countries use to pursue non-possession norm-building, Fergusson goes so far as to characterise this approach as a ‘tool of political control, in which the strong dictate to the weak, masquerading as the collective good’ (1991: 194).

It is important to note that the conception of norm-building used here reflects a specialised understanding of the term norm that is peculiar to the proliferation literature. The term ‘norm’ is generally used to describe a common consensus that has evolved around a particular issue area (e.g. it is bad to kill another country’s diplomats). In this sense, a norm exists to the extent that it has already come to be widely recognised and adhered to internationally. However, in the current context, the term refers to a formal agreement of one sort or another that bans possession of specified weaponry.28 According to this specialised understanding, norms can be legislated through diplomatic processes designed for this purpose.29 Unlike traditional customary norms, which are binding upon all states, this type of legislated (i.e. constructed) norm is only binding on the contracting parties, and then only to the extent that they opt to follow the rules (Thomas & Thomas 1970).30 The effectiveness of the norm-building approach therefore is a factor of the proportion of states agreeing to participate, as well as the quality of their compliance.

There is considerable variation among issue areas in both the nature of these normative rules and the means by which they are implemented. But here, too, the basic formula is well established. The operative prohibition almost by

27 However, as discussed in Chapter 1, UNSCOM resulted from Iraq’s defeat in a war fought over unrelated issues. It is virtually inconceivable that the level of coercion involved would have been used if proliferation had been the only issue.

28 That said, these two understandings of the concept are implicitly joined. Thomas and Thomas observe that there is a link between the traditional concept of customary norms and this type of legislated norm, in that the latter ‘may provide seeds from which international customary law springs’ (1970: 44). From the opposite perspective, Price (1995) argues that there has been a longstanding taboo (i.e. traditional norm) against CW. This implies that the CWC, although a forced norm in one sense, nonetheless could also be seen as merely the culmination (or perhaps codification) of an full-blown norm that had already developed naturally over time. McElroy (1989) reinforces this latter point in his case study of the influence of norms on US renunciation of CBW use.

29 Interestingly though, Bell (1999) suggests in a forthcoming study that such ‘forced evolution of norms’ may increasingly become the sense in which the concept of norms is understood generally during the present unipolar period in international relations. However, she bases this judgement on the increasing pressure governments face from international civil society, in the form of non-governmental organisations, which have not in fact played a driving role historically in the development of CB/M-related non-possession treaty-norms.

30 As noted in Chapter 3, some argue that this type of legislated norm should be seen as a first step in the creation of a customary norm, and so eventually may become binding on all states.
definition focuses on the weapon *per se*. As a rule, a non-possession norm cannot prohibit capabilities that merely *could* facilitate the production of proscribed weapons, but only those that are demonstrably intended to do so (Robinson 1987). Mutimer elaborates:

The focus of [nonproliferation] disarmament practices is not on the technology which ‘inevitably’ gives rise to military capability, but on that capability itself. Disarmament practices seek to reduce or eliminate the weapons which pose military threats, not to constrain the movement of technologies underlying those capabilities (1998: 115).

In practice, this means that restrictions on inherent capabilities tend to be narrowly limited to those very few that have no other conceivable purpose but to produce prohibited weapons. Dual-use research, development and production capabilities, as well as defensive military programs, may or may not be monitored, but they typically are not disallowed, and in fact usually are explicitly authorised in order to provide an incentive for participation.

**Consequence-mitigation: Beyond Nonproliferation**

A third approach to proliferation response seeks to ameliorate the consequences of realised proliferation by using primarily military countermeasures to deny the proliferator effective use, or the capacity to coerce by the threat of use, of proliferated weapons. This is accomplished by deterring, preventing or effectively defending against or coping with such use. The operative characteristic of this approach is that it does not target development or possession of weapons. Because of this post-proliferation focus, the approach is sometimes referred to as proliferation management. Another apt description would be use-denial (i.e. denying a proliferator the benefits of possession by denial the capacity effectively to use or threaten to use proliferated capabilities).

Consequence-mitigation is premised on the basic assumption that ‘a country determined to obtain NBC weapons and their means of delivery...can in all likelihood succeed despite the strongest prevention efforts’ (Miller tst. 1997). Only actualised proliferators (i.e. countries that have successfully circumvented capability-denial, and/or cheated, withdrawn from or opted out of non-possession norms) are targets. Because it seeks to deny a proliferator’s capability to use proscribed armaments, in a sense, just as cooperative nonproliferation has been labelled disarmament before the fact, consequence-mitigation might be aptly characterised as capability-denial after the fact.

It should be noted that while capability-denial nonproliferation is generally associated with diplomatic and economic tools, whereas use-denial is generally associated with military tools, this is not always the case. As noted already, the approaches identified herein are grouped by the objectives being sought, rather than by the types of tool used to pursue these aims. Thus, a military strike to prevent the completion of a suspected CW factory would be an unusually coercive example of capability-denial, while the 1925 Geneva Protocol prohibiting the use of CBW would be an unusually cooperative example of consequence-mitigation. The former aims to prevent proliferation, while the latter seeks ameliorate the consequences of living with it.

Use-denial differs conceptually from supply-side nonproliferation in that,
whereas nonproliferation seeks to prevent any acquisition of proscribed weapons, concern about possible use of such weapons is obviously reserved primarily for politically hostile proliferators. For example, the United States has missile proliferation concerns about friendly countries such as Israel and South Korea. These proliferators are therefore targets (at least in theory) of its nonproliferation efforts. But far from extending this to targeting them as part of a consequence-mitigation strategy, Washington in fact works with them cooperatively in this regard, assisting them with missile defence programs to ameliorate the impact of missile proliferation by their hostile neighbours (Clark 1993; OSD off. 1997a). Consequently, cooperation among countries in pursuing this approach requires a shared perception that at least some proliferators are potentially hostile, representing a common danger.

Because the main focus of this approach is on latent military preparedness, it generally does not entail the consent of its targets.

INSTRUMENTS SUPPORTING THESE APPROACHES

Capability-denial Instruments

National Export Controls

National export controls are often seen as just the implementing mechanism by which Western countries carry out commitments under multilateral supplier regimes, and so tend to be disregarded as an independent policy tool. However, national export control regulations, procedures, and individual licensing decisions can represent important independent tools of national policy. In a sense, the consensus rules of the supplier regimes are least common denominators (albeit among a relatively homogeneous group of countries), and therefore represent minimum acceptable standards of restraint for their members. Thus, individual countries may choose to cleave to the letter of these multilateral rules, or even abuse their national discretion to try to shave a bit off. But they are equally free to go beyond these multilateral standards by applying stricter approval standards, insisting on stringent precautions (e.g. government-to-government assurances, technical safeguards), or even controlling additional items. Such augmented measures can be applied across the board, or particular countries or regions may be singled out for exceptional vigilance, again based entirely upon national discretion.

31 There is some overlap in this regard between nonproliferation and consequence-mitigation. To some extent the universal nonproliferation imperative also extends to denying effective use, in that any such use could indirectly create a wider incentive for proliferation. As Lewis Dunn puts it, 'proliferation begets proliferation' (1998: 61). For example, Iraq's effective use of CW during the Iran–Iraq war, and the devastating use of missiles by both countries in the so-called War of the Cities, are is widely seen as having given ideas to others. However, setting aside such indirect nonproliferation considerations, the primary focus of consequence-mitigation is to prevent effective use by hostile states against friends, allies and oneself.

32 Even the notable exception cited above – that to the extent that a country has acceded to a treaty instrument prohibiting use (e.g. 1925 Geneva Protocol, CWC), this creates an explicit justification for others to deter any such use or threat of use by promising to respond with diplomatic, economic, and/or military reprisals – should not be exaggerated. Because the 1925 Geneva Protocol is widely regarded as customary international law, all countries are already subject to this restriction vis-à-vis chemical, biological and toxin weapons and so, strictly speaking, consent is not required to provide such a justification. Moreover, even in the absence of such explicit justification, a country could cite the right of self-defence provided in the UN Charter as justification for responding to any attack.
Limited-membership Global Export Control Regimes

The most visible instruments that support the capability-denial approach are multilateral export control arrangements like the AG and MTCR. Indeed, many observers view these supplier regimes as synonymous with, and representing the full extent of, this approach to nonproliferation. The key purpose of such regimes is to develop common export controls and coordinate their effective implementation among supplier countries. This is achieved by national implementation of a common set of rules for a specific list of items. The strength of these regimes in preventing WMD-relevant transfers is affected by a combination of factors, including: the extent to which all major suppliers are represented; the extent to which the rules and lists unambiguously apply to all relevant transfers; and the extent to which members conscientiously follow the rules in their national implementation. Beyond this core mission, supplier regimes also serve to: focus the attention of members on the proliferation problem; facilitate the sharing of intelligence and technical information among members; and identify and respond quickly to emerging proliferation threats (Van Ham 1993).

Although the scope of such regimes is global, their membership is restricted, and they are not considered to be part of the UN system (Lyons 1995). Because they operate as consensus organisations, there is a strong imperative to limit membership, in order to facilitate cohesion and avoid cumbersome decision-making. Determining who is allowed to join the club is therefore a key (and potentially thorny) issue. Specific considerations boil down to a candidate’s degree of commitment to nonproliferation and role or potential role as a supplier of relevant equipment and technology.

Such instruments seek to manage activities – e.g. commercial transactions – that are intrinsically extremely difficult to monitor for compliance (Boutin 1994; Wright 1993). Of necessity, supplier regimes therefore must rely on members to implement their commitments in good faith, with few or no formal enforcement mechanisms. In practice, this means the effectiveness of supplier regimes depends on the ‘like mindedness’ if their members, both in their desire not to contribute to proliferation in any and all cases and in not having proliferation ambitions themselves. 33

Wider Export Control Norms

The inherent membership limitations of the export control regimes exclude a number of countries that in principle might nonetheless contribute to the overall capability-denial enterprise. Such countries could include those with an imperfect commitment to nonproliferation (e.g. non-members of non-possession norms), proliferants and other countries that could act as second-tier suppliers, and non-supplier transhipment countries. Supply-side nonproliferation can be enhanced by convincing such countries to adhere to responsible export control standards. This can be achieved in a number of ways. The most common is to promote unilateral adherence to the rules of a limited-membership supplier regime by countries outside the regime. For example, both the AG and the MTCR have invited non-member countries to apply the rules of the regime.

33 As we shall see in the case studies, this balance can get tricky in the case of countries that can be viewed as both potential suppliers and potential proliferants (e.g. India, Israel). If countries that are seeking technology join, then the regime faces the problem of internal proliferation.
unilaterally, in effect suggesting that these rules become a quasi-universal export control norm.

Supplier regime rules also can be extended on a more formal basis through bilateral agreements, essentially bilateralising unilateral adherence. For example, the United States has obtained binding political commitments to apply the MTCR Guidelines and Annex from a number of missile technology suppliers that, for one reason or another, are unwilling, or have not been permitted, to join the MTCR.

Alternatively, export control obligations can be incorporated into global treaty instruments (e.g. CWC Article I(d), BWC Article III). Because such instruments are negotiated among an extremely diverse set of countries, representing lowest common denominator outcomes, such obligations generally consist of vague prohibitions against assisting proscribed activities, with no concrete rules of the road or coordinated implementation (Müller 1994: 255–256). However, the object is to extend to the widest possible number of countries the norm that proliferation-relevant exports need to be controlled.

**Targeted (Reinforced) Export Control Regimes**

In cases where a significant number of supplier countries shares a common perception that a certain country, group of countries or region poses a clear and present proliferation danger – or even if the proliferation danger is only moderate proliferation, that it is hostile to collective strategic interests – it may be possible to apply the tenets of strategic trade control to the nonproliferation mission. This tool is based on the premise that ‘the proliferation problem is not global and generic, but regional and specific’ (Müller 1997: 65).

For example, since the defeat of Iraq following its invasion of Kuwait, and the ongoing failure of UNSCOM to disarm Iraq’s WMD and missile programs, the United States with UN authorisation has maintained and aggressively enforced severe restrictions on dual-use transfers to Iraq. Likewise, after the Gulf War the P-5 countries explored imposing enhanced constraints on their own transfers of a wide range of military and dual-use items to the Middle East region, under the auspices of the Arms Control Middle East (ACME) initiative. Along less formal lines, the United States has for years tried to rally its Western allies to join it in taking a similar approach to the group of countries that it terms ‘rogue states’. However, the abject failure of the ACME initiative, and the extreme difficulty which the US continues to face in selling its rogue state perspectives to even its closest allies (Bertsch, Cupitt & Yamamoto 1997), illustrate the difficulty in achieving the high level of political consensus on shared threats that is needed in order to apply stringent targeted controls.

**Compliance Mechanisms**

Compliance and enforcement mechanisms are among the most conspicuous arrows in the quiver of both approaches to nonproliferation. These run the gamut of interdiction actions, diplomatic pressure, punitive sanctions, direct incentives (i.e. positive), linkages (i.e. conditional outcomes on unrelated issues) and verification mechanisms. The threat (or promise) or actual use of

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34 So these treaties are in reality triple-hatted, serving as traditional arms control & disarmament instruments, as nonproliferation non-possession norms, and as capability-denial tools.

35 It should be noted that proponents of the capability-denial approach do not equally support all of these enforcement mechanisms. For example, incentives are often criticised as rewarding bad behaviour.
such instruments is intended primarily to encourage suppliers to exercise appropriate restraint in transferring capabilities. A secondary purpose is to encourage recipients accurately to account for how they use the capabilities that they do receive. These tools are often directly or indirectly associated with multilateral export control norms.

Interdicting specific transfers represents a key enforcement activity. The term interdiction inevitably conjures up colourful images of naval dragnets culminating in confrontations on the high seas. However, it mostly involves far more mundane activities. In the nonproliferation context, interdiction refers broadly to any national action undertaken to block a specific transfer of proliferation concern from one foreign country to another. The workhorse of interdiction is the bilateral demarche; a diplomatic request for a foreign government to take some specified action. When a government becomes aware of a pending transfer of concern, it may send a demarche to the government of the sending country asking it to intervene to block the transfer. Alternatively, if the government of the originating country is hostile or uncooperative, or if the item has already left its jurisdiction, a demarche may be sent to request intervention by an intermediate transhipment country. Failing these steps, the government trying to stop the transfer might even publicise the transaction, attempting to shame the companies or governments involved into taking action. Finally, as a last resort, in rare circumstances, a state may take direct military action to seize or turn back a shipment.

Although achieving compliance is frequently associated with coercive enforcement measures (e.g. interdiction, sanctions), incentives can play an equally crucial role by rewarding appropriate behaviour (Bertsch, Cuppit & Yamamoto 1997; Lewis Dunn 1998). Even cooperative verification, which is almost always seen as an adjunct of the non-possession approach to nonproliferation, can to a limited degree be used to support capability-denial. For example, a supplier country can institute a program to verify the end-use assurances that it obtains as a condition for approving export licences (Mussington 1995).

It would be difficult to overstate the importance of the various mechanisms used to gain compliance. Indeed, the extent of a state’s commitment to one or another nonproliferation approach may, in large measure, be judged by the extent to which it takes actions to enforce it. For example, one analyst, noting that, ‘The use of sanctions – and the threat to use them – has been a valuable tool in enhancing international adherence to international export-control norms’, concludes that countries that have failed to use this tool are ‘not acting...aggressively...to police international export control norms’ (Spector 1996: 173). In other words, the failure to use a significant enforcement tool to promote compliance with a capability-denial instrument is seen as an indication of lack of commitment to the capability-denial approach.

Sabotage/Destruction

The most controversial means of capability-denial is to sabotage or destroy research or production facilities in order to prevent the culmination of

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36 One of the main advantages to having transhipment countries enact nonproliferation export control regulations is so that they have the legal authority to act on such requests. However, even in the absence of such export controls, justification can often be found based on violations of generic customs regulations (e.g. false declarations).
these capabilities. One of the best known examples of this muscular form of capability-denial was the Israeli attack on an Iraqi nuclear facility in the early 1980s. A more recent example was the US attack on an alleged CW-related production facility in Sudan. Because such actions require compelling evidence about the details of a program of proliferation concern, as well as a profound conviction that the country in question poses a clear and present danger, they represent a rarely used nonproliferation tool.

**Indirect Capability-denial**

Anything that detracts from the resources that a would-be proliferator can use to assist its proliferation programs indirectly bolsters supply-side nonproliferation. For example, a former US intelligence chief has noted that economic sanctions that were imposed on Libya for involvement in terrorism have had a spin-off impact on Tripoli’s proliferation programs (Woolsey tst. 1993). By extension, global economic downturn might also deny proliferators resources and force them to slow or halt their WMD programs in order to divert resources to more urgent national priorities. Global recession surely should not be counted as an instrument of national nonproliferation policy, however, because it is not a result of government action intended to reduce proliferation risks. In other words, only policies directly intended to address proliferation – versus those that merely have spin-off benefits – can properly be included as instruments of national proliferation response.

**Non-possession Instruments**

**Global Non-possession Treaty-norms**

The most visible instruments supporting the non-possession approach to nonproliferation are universal normative affirmation pacts outlawing possession (i.e. BWC, CWC, NPT). It has already been noted that these legal instruments serve multiple nonproliferation purposes. However, Goodby (1993) makes a compelling case that, notwithstanding their evolving and multifaceted purposes, the principle nonproliferation function of these treaties to date has been to create formal norms against future possession. In other words, as is the case with capability-denial tools, the value of this type of instrument is measured in terms of ‘the dogs that didn’t bark’. It would be difficult to dispute the contention that such codified norms have been important, not least because in practice the vast majority of countries are parties to nonproliferation treaties, and the most parties are not suspected of being proliferants.

Without contravening Goodby’s assessment concerning the primacy of the preventative role of the nonproliferation treaties, it should be noted that the CWC at least is also fulfilling a modest nonproliferation roll-back function, with a handful of past or present hitherto covert CW possessors unexpectedly declaring themselves following entry into force in mid-1997.37 This development caught most observers by surprise (Kelle 1997a). In fact, the Organisation for the Prevention of Chemical Weapons (OPCW) Preparatory Commission had not anticipated that any covert possessors would step forward, and in its

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37 India submitted an initial declaration on 26 June 1997 which refuted years of official denials that it had an offensive CW program, reputedly followed by South Korea on 17 August 1997 (CBW Bulletin 37, 1997). Britain, China, and France subsequently admitted to past or present programs (Washington Post, 28/10/97). All told, as many as eight countries may have declared past or present programs.
planning assumptions allowed for at most one such case. This suggests that
the roll-back function of the non-possession pacts may previously have been
underestimated, and may (or may not) become more significant in the future.
However, this remains to be seen. From the present perspective of cooperative
nonproliferation, the main function of these instruments therefore must still be
seen as prophylactic codification of the intent of ‘have nots’ to remain so.

Although this type of instrument is described as universal or global, in
practice they are neither. They are universal only in that all countries that so
wish may accede to them, and that they aspire to universality.

The web of nonproliferation treaty-norms is considered to be part of the
UN system. Each of the these instruments explicitly invests the UNSC with
The effectiveness of a universal non-possession instrument depends on a
combination of factors, including: the breadth of its adherence (i.e. degree of
universality), particularly among countries with relevant capabilities (and
especially those suspected of having covert programs); the effectiveness of its
compliance provisions and the perceived track record of compliance over time;
and its contribution to customary norms associated with it (e.g. the ‘chemical
taboo’).

Regional/Targeted Non-possession Mechanisms

Non-possession mechanisms can also be developed and/or implemented
on a region-specific basis. One reason to do this is the absence of a global
norm. For example, the Mendoza Agreement created a CW-free zone in
southern South America prior to the completion of the CWC (ACDA off. 1992).
This rationale is especially applicable in the missile area, where there is no
global norm against possession, and indeed there have been occasional
proposals for missile-free zones. Another reason is simply to encourage
regional participation in a pending or existing global norm by providing each
country with confidence that none of the neighbours will try to ‘free-ride’. This is
potentially an especially important consideration since proliferation tends to be
concentrated in regions where instability and mistrust are prevalent (Forsberg,
Driscoll, Webb, & Dean 1995). Regional groupings or existing regional
organisations (e.g. ARF, OAS, OSCE) could be recruited to assist in
enforcement of compliance with global norms through complementary
measures (Vachon 1994). Finally, Fergusson (1995) suggests that regional
mechanisms could be used to augment global norms on a regional basis, for
example by providing stricter verification measures among regional countries.38
The South Pacific Nuclear Free Zone for example has more demanding
abrogation criteria than the NPT. However, there have been very few examples
of regional mechanisms of any kind in the real world outside the nuclear area,
and virtually none along these lines.39

In addition to regional arrangements, non-possession norms may be

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38 Logically, a regional norm with provisions that are less stringent than a global norm might prove useful in a regional such as the Middle East that boasts low rates of participation in stringent global treaties. Such a lesser instrument would at least provide some normative constraint. For obvious reasons, however, this has not been suggested in the proliferation literature, nor pursued by Western countries, for fear of undermining global instruments.

39 Fergusson himself goes on to acknowledge that regional states have little incentive to go along with the calls of Western countries to regionalise nonproliferation.
pursued on an *ad hoc* basis by targeting possessors for imposed/coercive disarmament outside the structure of a global norm. This approach can be used either in the absence of a global norm, or for possessors that refuse to accede to a global norm. The most well known example of such an approach is the armistice conditions that the US-led Gulf War coalition imposed on Iraq.

### Compliance Mechanisms

As noted in the above discussion of supply-side compliance mechanisms, a state’s efforts to enforce compliance is a cogent indicator of the vigour of its support for a given nonproliferation tool. All the categories of enforcement mechanisms that are available for supply-side nonproliferation apply to the non-possession approach (verification, incentives, linkages, sanctions, and diplomatic pressure). The purpose of these mechanisms is to encourage participation in, and compliance with, non-possession norms. Unlike for supply-side tools, however, such enforcement mechanisms are often embedded in multilateral instruments. National enforcement actions are therefore comparatively less important.

Verification plays the central role in non-possession compliance, inspiring confidence that the agreement in question is being observed, deterring cheating, and resolving accusations of non-compliance. As one veteran negotiator observes, ‘The verification provisions being formulated in any agreement are often seen as a barometer for assessing the seriousness of negotiators’ (Vachon 1997: 56). Likewise, existing non-possession instruments tend to be evaluated largely based on perceptions of the extent and effectiveness of their verification provisions. So support for, and confidence in, verification can be seen as a significant indicator of a state’s commitment to the non-possession approach.

### Indirect Demand-reduction

Anything that reduces the demand for proscribed weapons indirectly bolsters the non-possession approach to nonproliferation. Some analysts cite democratisation and/or economic liberalisation as among the most potent means to dampen demand for abhorrent weapons (Bertsch, Cupitt & Yamamoto 1997; Sokolski 1996; Solingen 1995). Others point to alliance relationships with a major nuclear power a significant demand-reduction factor (Freedman 1993; Gebhard 1995; Rowen off. 1991). Still others see the creation of regional stability through regional arms control and security architecture as having a constitutive relationship with proliferation demand (Fergusson 1995; Redick 1995). A case can even be made that military counterproliferation programs indirectly contribute to cooperative nonproliferation by providing a disincentive for potential adversaries to acquire WMD, since they will be less

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40 For example, both the BWC and CWC have virtually the same normative provisions, but the two treaties are viewed very differently. Opponents of the CWC base their criticism on the judgement that, despite a complex verification mechanism, it nonetheless cannot be verified effectively. By the same token, supporters of the BWC insist that its normative value can be strengthened through the addition of a meaningful verification mechanism. These two camps do not often see eye to eye, but they agree that verification is the acid test for non-possession instruments (see Chapter 3).

41 Certainly there have been a number of recent cases that bear this out, for example South Africa and Argentina. However, democratic proliferants such as India and Israel stand as a cautionary examples that democratisation is not a panacea for proliferation. Indeed, Perkovich (1998) explicitly rejects the notion that democracy helps to curb or roll back proliferation.
able to use these weapons effectively against a state prepared to defend itself (Miller, 1997; Wallerstein 1998).

Promoting democratisation, effectively managing and extending alliance relationships, facilitating regional security cooperation, and even denying effective use of proliferated weapons, all may indirectly contribute to non-possession norms by reducing demand for proscribed weapons. But just as in the case of indirect capability-denial, only policies that have been pursued with proliferation in mind can properly be included as national proliferation response instruments for our purposes. As another study notes, 'Any effort to reduce regional tensions or solve long-standing disputes between nations can, of course, have a beneficial effect....However, we are concerned with political actions aimed directly at stopping proliferation' (Flowerree, 1991: 69).

**Consequence-mitigation Instruments**

**Counterproliferation**

Counterproliferation refers to a spectrum of military capabilities specifically designed to reduce or nullify any military advantage that an enemy might otherwise gain through using WMD by enabling conventional forces to continue to operate effectively in a WMD environment. This can involve passive or active defences – e.g. missile defences, CBW protection, CBW agent detection/avoidance, decontamination, vaccinations, medical treatment – or offensive counterforce capabilities – such as 'bunker busting' munitions to destroy weapons stockpiles – that serve to reduce the detrimental impact of WMD in a wartime situation (OSD off. 1997a). Although counterproliferation is usually associated with protecting military forces against the tactical use of WMD, it can also be used to protect civilian populations against strategic attacks, as illustrated for example by the US National Missile Defense (NMD) program (Joseph & Lehman, 1998).

**Deterrence**

Instruments of deterrence are used to prevent the use of proliferated weapons in the first place by convincing a possessor that the costs of using proscribed weapons would far outweigh any conceivable gains. Deterrence is very much the other side of the counterproliferation coin. The premise is that, 'Defense alone, with anti-missile and counterforce weapons, cannot make...forces and citizens entirely safe....So deterrence is crucial' (Gompert, 1998: 3). On the other hand, Goldfischer argues: 'Threats of devastating nuclear punishment seem increasingly less sensible than a deterrent strategy that also stresses defense against the spectrum of possible attacks with mass destruction weapons' (1998: 169). The bottom line is that deterrence and counterproliferation are mutually reinforcing parts of the consequence-

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42 For example, to the extent that official claims are true that one of the main considerations that led the US to extend titular security guarantees to Ukraine (i.e. NATO's Partnership for Peace) was the desire to convince Kiev to give up the nuclear weapons that it had inherited from the Soviet Union (Davis, 1993), this could be considered a proliferation response.

43 Note that this definition differs from slightly from some academic and official usages, which themselves are at variance. In academic terminology counterproliferation is used to denote any military response to proliferation (i.e. regardless of whether the intent is capability-denial or consequence-mitigation). In official US terminology, the term refers to any proliferation-related activity involving the Department of Defense, including multilateral diplomacy (Poneman, 1994, 18 February).
mitigation equation.

Deterrence is usually achieved by promising, and having the demonstrated capability to deliver, a vastly disproportionate military response. In the case of the strategic use of WMD, this in effect translates to inflicting massive retaliation in the form of retaliation in-kind, retaliation with another form of WMD, or possibly equivalent retaliation with overwhelmingly superior conventional forces (Utgoff 1997). Such threats may also be used to deter the tactical use of WMD. However, this poses an obvious credibility problem, especially in response to small-scale CW use. In such cases a combination of counterproliferation defences and lesser disproportionate responses may be threatened instead. Conventional responses are therefore far more likely to be used to deter tactical use of WMD. In this sense, counterproliferation serves a deterrence purpose by demonstrating to an enemy that conventional forces will be able to inflict disproportionate responses even while operating in a WMD environment (Gebhard 1995; Wallerstein 1998).

Military instruments are the dominant, but not the only, basis for deterrence. Threats of punitive political, economic, or legal sanctions against any use of proscribed weapons are also instruments of deterrence. These instruments allow deterrence to be credibly extended beyond WMD use by adversaries, in order to deter use in a conflict between third countries (e.g. India–Pakistan, Iran–Iraq). Normative prohibitions on use (e.g. 1925 Geneva Protocol, CWC Article I) can be seen as deterrent instruments to the extent that they strengthen such threats.

There is considerable debate within the literature regarding whether the threat of conventional retaliation can provide sufficient deterrence against the strategic use of WMD. For example, Joseph and Lehman (1998) assert that nuclear weapons are indispensable to deter against the use of NBC weapons against US forces and allies by regional states. At a minimum, conventional deterrence would have to employ overwhelming conventional superiority, and be sustainable in the face of WMD attacks. However, Treverton and Bennet (1997) note that overwhelming conventional superiority could actually provoke use of WMD as an asymmetric force equaliser. For an excellent conceptual overview of this issue, see Harknett (1994).
CHAPTER 3
SYNTHESISING A CONCEPTUAL UNDERPINNING: EXISTING NORMATIVE PERSPECTIVES

The purpose of this chapter is conceptually to examine extant perspectives on the strengths and weaknesses of the three anti-proliferation approaches identified in the preceding chapter. It does not aim to draw conclusions as to which of these normative outlooks are correct. Rather, it seeks to provide a conceptual foundation for the empirical case studies that follow, by offering a balanced elucidation of the arguments on all sides of the normative debate. Such different normative perspectives on these approaches represent the implicit conceptual underpinning for any real-world differences that may exist in the perspectives of Western governments.

It has already been noted that the body of academic theorising on national responses to proliferation is relatively meagre. Yet in fact there is a ‘great debate’ on proliferation response raging in the more policy-oriented proliferation literature, especially regarding the relative merits of the two approaches to nonproliferation (i.e. capability-denial versus non-possession norm-building). However, rather than being framed in terms of overarching concepts, this debate largely comprises a series of lively dialogues on the relative merit of specific nonproliferation instruments (e.g. MTCR), or less frequently classes of instruments (e.g. supplier regimes). By considering these discussions within the context of approaches specified in the preceding typology, it is possible to draw out latent assumptions, and to synthesise a set of broad normative perspectives on each approach.

CAPABILITY-DENIAL

Negative Perspectives

Technology Diffusion

The main argument against the capability-denial approach is that it is ineffective to the point of futility and, what is more, becoming increasingly so with each passing year. The chief culprit identified in this regard is the inexorable diffusion of pertinent technologies within cognate civilian and permissible military sectors of the economies of developing countries (Bailey 1993a, 1993c; Berkowitz 1995; Forsberg et al. 1995; Keeley 1995; Moodie 1995; Nolan 1992; Bill Richardson 1993; Roberts 1993, 1995; Sopko 1996–97). Given that, unlike strategic trade controls, supply-side nonproliferation generally does not target broad industrial bases, this process is seen as literally unstoppable by denial strategies. As Robinson (1992) asserts, it is impossible to erect truly effective barriers against the spread of low technology dual-use capabilities without intruding on legitimate commercial interests.

This perspective is based on the supposition that CB/M capabilities are grounded in mature technologies, and that therefore their spread is a natural and inevitable consequence of economic development. The work of James Keeley has been influential in validating this already prevalent assumption.

1 There is relatively little discussion of the relative merits of consequence-mitigation, presumably because this is widely seen as an adjunct to either variety of nonproliferation.
Applying the well established model of industrial maturation to proliferation-related technology and production processes, Keeley finds that these constitute mature 'industries', particularly in the CBW areas and that as a result, scientific-technical and production-engineering barriers to entry into these industries are rapidly diminishing. He concludes that this represents a generic factor affecting the dynamics of proliferation across the spectrum of WMD and missile areas. 'The spread of basic technological capabilities with a weapons potential cannot be stopped', he asserts, because, 'The maturation of such technology, and of specific weapons technologies, are merely part of a broader process (1994: 179).' For Keeley the policy implications are obvious:

From a non-proliferation standpoint, technological maturation implies that more states may be better able to produce weaponry...and that the ability of 'supplier states' – the possessors of a technological edge in such weapons – to control their proliferation may consequently be eroding substantially (1995: 13).

Many observers use such empirical findings regarding the systemic consequences of technology diffusion as a basis to draw damning conclusions about the long-term viability of supply-side strategies and, accordingly, to recommend that the non-possession approach get higher priority. Bailey offers an early example of such analysis:

Export control regimes have not been very successful in stemming the proliferation of mass-destruction weapons and delivery systems. Due to the ease and availability of technology, making such controls more stringent...will make little difference....More resources should be spent on...policies such as arms control (1993a 55).^2^

Roberts takes an even more critical line in a contemporaneous essay promoting the value of the CWC:

Rapid industrialization and innovation and globalizing trade in high technology goods, virtually all of which has [sic] potential military applications, have rendered impossible measures that effectively curtail access to the military capabilities based on these goods and technologies. Efforts to control weaponization and use must focus not just on the capability but also increasingly on the will to pursue these activities (1993: 13).

Moodie echoes Roberts' conclusion almost verbatim, contending that, 'Increasingly, the question will not be the capability to produce such systems, but the will and political choice to do so' (1995: 79). Roberts takes his conclusions further in a subsequent article that reads like an obituary for the capability-denial approach. He states categorically that denial strategies should have only a minor subordinate role in the non-nuclear areas:

Born of the belief that barriers to the flow of technology can effectively be constructed between the industrial and

^2^ Interestingly enough, Bailey has also been among the most outspoken opponents of the CWC, which represents the most ambitious non-possession instrument to date (1993b, 1994 12/8, 1995 12/12). But she has supported the idea of a universal non-possession norm for intermediate range missiles (1990 6/4, 1991). Her normative perspective is thus somewhat hard to pin down. Her article on missile defence (1993c) would seem to place her in the camp of the nonproliferation pessimists, who are sceptical about the utility of either approach to nonproliferation, and so favour counterproliferation.
developing or underdeveloped countries, initiatives to expand and strengthen export controls and associate coordinating mechanisms...were combined with proposals to broaden the global non-proliferation regime beyond the nuclear domain into the chemical, biological and missile areas. But the broad diffusion of technology combined with the changing nature of high-leverage systems and spread of the defense industrial base conspire to diminish the leverage of the industrial powers....Thus, after years of trying to strengthen these regimes, there is today a broader understanding that strategies of denial have only a limited...role to play in the nonproliferation project (1995: 11–12).

Virtually all proponents of the technology diffusion argument readily concede that its pertinence varies considerably across the different proliferation areas. Keeley (1995) himself takes pains to emphasise this point. Technology diffusion is generally seen as least pertinent in the nuclear area, where a meaningful threshold continues to exist between civilian technology and equipment and weapons programs. In the non-nuclear areas, it is seen as least applicable for missiles, more applicable for CW, and most applicable for BW. (It is no coincidence that many of the strongest supporters of the technology diffusion argument are primarily CBW specialists, while observers who grant it less credence often have missile proliferation expertise.)

Even for missiles, a few observers also argue that, 'The question is no longer whether developing countries will acquire the means to produce missiles...but when and what kind' (Nolan 1991: 64). Along these lines, Berkowitz is one of the few to argue that the technology diffusion effect is highly relevant for missile proliferation:

The basic problem with controlling ballistic-missile proliferation is that such attempts are simply overwhelmed by the abundant availability of missile technology. The more difficult parts of the missile, such as guidance systems, are becoming more readily available....Even if a country does not start a missile program, most of the technologies can be developed under another guise, or will be the unintended result of other industries, such as aircraft manufacturing (1995: 285).

Most missile proliferation experts, by contrast, do not consider the technology diffusion effect to be highly relevant for missile proliferation, and certainly far less so than for CBW proliferation. A few even group missiles with nuclear weapons in this regard (Lewis Dunn 1998; Forsberg et al. 1995). Most see missile technology as perhaps more prone to diffusion than nuclear weapon technology, but not to the point where denial strategies are of marginal utility. For example, Jones and McDonough present a detailed case that producing missiles remains a significant challenge for most countries:

Missiles, especially ballistic missiles, are complex machines. For example, the medium-range US Pershing II ballistic missile contained 250,000 parts – each of which needed to work right the first time under high levels of acceleration, vibration, heat, and cold. So the development of missiles is an expensive and time-consuming process, often resulting in an unreliable weapon system. Moreover, the development of ballistic
missiles becomes particularly difficult at a range of about 1000km. Above that range, the missile must use two or more advanced technologies: staging (firing rockets in series, with the expended rockets reliably jettisoned from the missiles) and more sophisticated re-entry vehicles (to keep the warhead in working order during its fiery descent through the atmosphere). Longer ranges also put a premium on more efficient rocket engines, lighter and stronger materials, more advanced guidance systems, and lighter more advanced warheads (a considerable challenge when nuclear warheads are at issue) (1998: 254).

Elleman and Harvey offer a comparable assessment:

Ballistic missiles are fairly complex systems; a high degree of technological competence is required to reverse-engineer and manufacture clones of simple systems, such as a Scud. Significant technical resources and arms manufacturing experience, as well as a relatively sophisticated industrial infrastructure, are needed for indigenous development and production of a first-generation missile. For this reason, many developing nations will, for the foreseeable future, be unable to produce even the most primitive missile system (1993: 27).

Karp (1996) observes that very few non-status quo states have the capability to produce any ballistic missile indigenously without outside assistance (e.g. India, Israel, North Korea). He goes on to argue that, 'The importance of outside technical assistance creates tremendous opportunities for export controls to slow or even halt the proliferation process' (1993: 256), concluding elsewhere that, 'Ballistic missile proliferation is probably more amenable to control than any other proliferation problem' (1996: 9).

The situation is seen as very different in the chemical and biological spheres. These capabilities are based on mature technologies which can be created in relatively unsophisticated industrialised economies. For example, widespread production of CW dates to before the First World War. In the Second World War Japan's infamous Unit 731 developed weaponised agents and delivery systems, the former including anthrax, plague, cholera and typhus rickettsia, and was working to develop numerous other agents including, smallpox, yellow fever, tularemia, hepatitis, undulant fever, haemorrhagic fever and cerebrospinal meningitis (Larsen 1995). Britain, Canada and the United States jointly also had an extremely sophisticated BW program during the same period (Endicott & Hagerman 1999). Moreover, these technologies are largely dual-use (Erlick et al. 1989; King & Strauss 1990).

The technology diffusion argument therefore is generally seen as highly relevant for CBW. This is especially the case for proliferant states that do not place a high premium on the safety of their citizens, because some of the most technologically challenging elements of a CBW program relate to environmental and worker safety (Forsberg et al. 1995). Bill Richardson presents a very balanced and representative articulation of the prevailing view on the implications of technology diffusion in the CBW areas:

3 As a matter of historical interest, this study asserts that the United States covertly used its offensive BW capabilities during the Korean War.
The range of technologies by which a nation might develop a chemical or biological warfare capability is very broad. A nation determined to have such a capability may be deterred by other means, may have its progress slowed, or may have to settle for agents other than those of choice, but it is unlikely to be stymied by a lack of technology (1993: 16).

Even analysts such as Lewis Dunn (1998), who are sympathetic to the capability-denial approach, do not disagree in principle with this assessment.

It should be noted that the potential for technology diffusion is seen as a further order of magnitude greater for BW than for CW. The equipment and processes needed to produce BW are far less sophisticated than for CW, making the most common biological agents far easier to produce than their chemical counterparts (Erlick tst. 1989; Goldberg tst. 1989). In addition, 'Biological agents reproduce themselves, and the same is true for the organisms that produce toxins. So, in contrast with chemical weapons, no large quantities of precursors are needed' (ter Haar 1991: 51).

The dual-use nature of production is also far more pronounced for BW: 'It is extremely difficult to deny help in terms of technology and material because it mimics almost exactly a pharmaceutical industry or some medically related...commercial facility' (Erlick tst. 1989: 37).

Rogue Suppliers

Some analysts argue that the problem with supply-side nonproliferation is not that the approach itself is flawed, but rather that it is difficult to implement effectively because too many significant suppliers continue to operate outside the rules (Müller 1997). Critics of denial strategies see this problem as simply making an ineffective approach even more so (Bailey 1993a, 1993c). In any case, all agree that Western countries cannot deny capabilities effectively if their efforts are undercut, either overtly or covertly, by alternative suppliers. (Supporters of the capability-denial approach therefore put a high premium on securing the cooperation of all major suppliers.) Whether this factor completely eviscerates, or merely complicates, supply-side endeavours depends on the quantity and quality of the undercutting. The most serious challenges therefore are posed by non-cooperating first-tier suppliers (e.g. China, Russia). Second-tier suppliers (e.g. Argentina, Israel, North Korea) represent a lesser problem.5

Whether this problem has been improving or worsening in recent years is an open question. A number of hitherto overtly non-cooperating suppliers have been welcomed into the nonproliferation fold in recent years, including Russia, China, Israel, South Africa, and Argentina. However, there is widespread belief that in some cases covert non-cooperation has continued, and may even have increased. This problem is seen as especially acute with respect to China and Russia. Moreover, many observers argue that such activities undertaken by private concerns may be beyond the control of these countries' governments.

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4 For example, Russia or China may be willing to provide advanced missile technology, but only on a small, covert scale, or North Korea may be willing to provide large-scale assistance, but of a vastly inferior quality, and neither instance would necessarily negate Western supply-side efforts. However, when Russia provides large-scale, advanced assistance to Iran, as recently appeared to be the case, Western denial strategies are profoundly undermined.

5 The examples cited represent countries that have been non-cooperating suppliers at some point during the timeframe of this study, and is not intended necessarily to reflect their current status.
Karp spells out the negative implications of this for denial strategies (in this case regarding missile proliferation) as follows:

If the Chinese and Russian central governments no longer run non-proliferation policy, as increasingly appears to be the case, traditional non-proliferation mechanisms like the MTCR, sanctions and embassy demarches probably have said their point of marginal returns. The same can be said of more imaginative bilateral arrangements. Since 1993, the United States has invested more than $470 million in the Russian space program...but it has been irrelevant to missile-related exports. Efforts to end missile-related exports by offering compensation in the form of space launch contracts, while lucrative for Russian and Chinese space launch agencies, are also unlikely to be effective, since they do not directly compensate missile makers and exporters (1998: 24).  

The bottom line is that at a minimum, eliminating instances of gross undercutting (i.e. large-scale, high-quality transfers) by Russia and China stands as critical prerequisite for the future effectiveness of supply-side nonproliferation.

Provoking Proliferation

A very few observers such as Subrahmanyam (1993) suggest that the coercive nature of the capability-denial approach may itself provoke states to seek proscribed weapons precisely in order to defy the will of outsiders. Taken in conjunction with the above arguments, this perspective views denial strategies as not merely ineffective, but actively counterproductive. Many analysts concede that coercive supply-side nonproliferation may aggravate North–South tensions generally, as well as erode support for cooperative nonproliferation strategies specifically. However, the notion of an explicit causal relationship between the heavy-handedness of the approach and a given state's decision to seek proscribed weapons do not appear to be given much credence in the sub-literature on the causes of proliferation, which focuses on other factors (e.g. regional tensions, prestige). In fact, many analysts seem to regard this as little more than a convenient rhetorical assertion. As Karp observes, it seems doubtful that a country would assume the high economic and political costs of pursuing proscribed weapons 'just to show its contempt for others, childishly insisting on doing what outside powers say is forbidden' (1996: 28).

Positive Perspectives

Continuing Foreign Dependence

A number of analysts argue that proponents of the technology diffusion

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6 It should be noted that Karp does not give up on supply-side strategies as a consequence, but rather recommends that instruments be refined to target individual firms rather than governments.

7 The basic reasoning of this argument is analogous to the argument in the nuclear area that asserts that the inequity of the 'have/have not' structure of the NPT is a root cause of nuclear proliferation. Notwithstanding that this argument has been taken more seriously, empirically the fact remains that nuclear proliferators such as India and Pakistan, and North Korea have demonstrated no apparent inclination to reconsider their positions in light of massive and continuing nuclear disarmament by the two largest nuclear weapons states.
argument are too pessimistic, underestimating the extent to which many proliferants continue to depend on outside assistance. This school of thought does not dispute that technology diffusion exists and that it will continue to increase over time. However, it regards the extreme pessimism about the negative consequences as rather exaggerated. The fact that the overwhelming majority of proliferants in all of the proliferation areas continue to go to great lengths to obtain foreign assistance in pursuing their programs is seen ipso facto as proof that such outside assistance remains an important factor for proliferation. As one recent US government advisory panel concludes, ‘Foreign assistance is pervasive, enabling and often the preferred path to ballistic missile and WMD capability’ (Commission to Assess the Ballistic Missile Threat off. 1998).

It has already been noted that the technology diffusion argument is widely acknowledged to be less relevant in the case of missiles than for CBW. According to multiple open source assessments, foreign assistance has played a critical role in the missile and/or SLV programs of countries as diverse as Brazil, Egypt, Iraq, Iran, Libya, Pakistan, Saudi Arabia, South Korea and Syria. Even the few self-sufficient countries such as Israel and North Korea could not have achieved that status without initial foreign assistance. A recent case study of the Condor II IRBM program – pursued jointly by Argentina, Egypt, Iraq and Libya in the late 1980s before the advent of significant supply-side missile nonproliferation efforts and then shut down, apparently in large part due to the capability-denial efforts of the MTCR countries – reveals just how critical access to foreign assistance can be in enabling missile proliferation:

The technology was basically contraband from Germany, France and the United States, in some cases with the complicity of important and prestigious Western firms. A very advanced technical plant was built in...Argentina, almost entirely with smuggled technology (Escudé 1998: 57).

Beyond missiles, some observers argue that the relevance of technology diffusion is also often overstated in the chemical realm. For example, one comprehensive technical study states:

Conventional thinking is that chemical weapons (CW) are relatively easy to produce. Technically that may be true if produced in laboratory quantities, since the chemistry is well known and the chemical formulas are readily available in open literature. However, production beyond laboratory quantities requires materials, chemicals, process equipment, expertise, and some advanced technology. Additionally, the ability to produce chemical munitions alone does not assure a militarily viable option without other components (L. Dunn et al. 1992: III-19).

Significantly, similar arguments are not heard in the case of biological items. Thus, proponents of the continuing foreign dependence argument tend to see overall missile dependence as very high, CW dependence as lower but nonetheless not insubstantial, and BW dependence as low.

The prescriptive implications of continuing foreign dependence are obvious to adherents of this view. As Bertsh, Cupitt and Yamamoto aver, ‘Export controls on dual-use items (goods and technologies with commercial and military applications) can be critical tools for stemming proliferation well into
the next century’ (1997: 408). Spector offers a balanced articulation of this perspective:

Although the diffusion of advanced scientific and industrial capabilities has brought the development of weapons of mass destruction and advanced delivery systems within the grasp of an increasing number of regional powers, it is self-evident that controlling transfers of hardware needed for the manufacture of such arms remains an important element in international efforts to retard the spread of weapons of mass destruction and advanced delivery systems. Imported hardware and technology remain a significant factor in the efforts of states such as Iran, Libya, Iraq, and Pakistan to develop nuclear, chemical, and biological weapons, as well as missile delivery systems (1996: 173).

This argument is seen to be reinforced to the extent that suppliers target specific programs: ‘When we pick a target and stay focused, it does work’ (Sokolski tst. 1991: 134).

**Choke Points**

A variation on the continuing foreign dependence argument is that supply-side nonproliferation can be fine-tuned to overcome the negative repercussions of technology diffusion by concentrating on key choke points for technology, equipment, and material. This argument is articulated frequently by US officials among others. It is based on two premises. Firstly, that, ‘Export controls can be effective when dealing with certain types of technology – such as advance guidance systems crucial to missile development – that are in the hands of only a few suppliers’ (Keller & Nolan 1997-98). Secondly, that it is not necessary to block all, or for that matter even most, equipment and technology; only a few essential areas need to be impeded in order for capability-denial to be effective (Sokolski tst. 1991). Thus, focusing on technology choke points can make denial strategies effective in stopping the spread of proscribed weapons, even CBW programs using mature dual-use technologies (Eckert tst. 1994; Freedenberg tst. 1989; Tarbell tst. 1995; Wallerstein tst. 1997).

To a greater or lesser extent, choke point technologies appear to exist in all of the proliferation areas. For example, although CW production equipment and technology is largely dual-use, it still requires at least some specialised equipment, particularly for the production of nerve agents (Goldberg tst. 1989). Moreover, a number of precursor chemicals have few civilian applications. Keeley (1995) notes that, even for mature technologies, there are always points in the dual-use production stream that involve exclusively military applications, and that the final stages of weaponisation (i.e. systems integration and testing) are by definition exclusively military. This leads him to conclude in the end that, notwithstanding technology diffusion, supply-side efforts are not inherently

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8 That said, it has already been noted that achieving wide political support for targeted denial is very difficult. Indeed, even export control optimists such as Bertsch, Cupitt and Yamamoto (1997) express scepticism about US efforts to rally support for targeting more stringent denial measures against so-called rogue states, warning that others are likely to perceive this as ‘cover for US commercial and security interests, not Western or global interests...that the definition of rogue state depends on the vagaries of US national interests’ (415). So while a targeted approach may in theory augment the impact of continuing foreign dependence, in practice it is likely to prove difficult to muster and sustain necessary political consensus.
ineffectual, but that they need to be honed to target military production streams and those civilian production streams with the most military utility.

**Qualitative Deepening**

Whether or not they adhere to the notion that technology diffusion makes it increasingly futile to try to prevent the spread of proscribed capabilities, many observers believe that this argument does not apply (or at least applies less) to efforts to impede the qualitative deepening of proliferation. They note that advanced programs remain beyond the reach of most developing countries, and that this is more or less true across the proliferation areas. This is viewed as important because there are significant differences between the threats posed by basic versus advanced capabilities in each of these areas (see Figure 3). For example, one study asserts, ‘Across proliferation, acquisition of more advanced capabilities should be distinguished from possession of basic, entry-level capability’ (L. Dunn et al. 1992: I-8).

**Figure 3: Basic Versus Advanced Capabilities**

<table>
<thead>
<tr>
<th>MISSILES</th>
<th>CHEMICAL WEAPONS</th>
<th>BIOLOGICAL WEAPONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic</td>
<td>Basic</td>
<td>Basic</td>
</tr>
<tr>
<td>Advanced</td>
<td>Advanced</td>
<td>Advanced</td>
</tr>
<tr>
<td>• short range</td>
<td>• regional to ICBM range</td>
<td>• common agents</td>
</tr>
<tr>
<td>• low numbers</td>
<td>• counter-force</td>
<td>• low level of control</td>
</tr>
<tr>
<td>• low accuracy</td>
<td>• accuracy</td>
<td>• predictable</td>
</tr>
<tr>
<td>• single</td>
<td>• penetration aids</td>
<td>• small-scale production</td>
</tr>
<tr>
<td>warheads</td>
<td>• multiple warheads</td>
<td>• large-scale production</td>
</tr>
<tr>
<td>• small-scale production</td>
<td>• fast launch, mobile (e.g. solid fuel)</td>
<td>• protective capabilities</td>
</tr>
<tr>
<td>• slow retargeting</td>
<td>• large inventory</td>
<td>• stockpiles</td>
</tr>
<tr>
<td>• liquid fuel</td>
<td></td>
<td>• poor training, logistics</td>
</tr>
</tbody>
</table>

Source: Multiple sources (including L. Dunn et al. 1992, Tables I-4).

Many analysts argue that, even in cases where capability-denial tactics are unable to prevent the spread of proliferation, they 'still can help to contain the eventual scope and sophistication of existing programs, even in cases in which countries have crossed the NBC or missile threshold' (Lewis Dunn 1998: 66). This argument is especially prevalent for missiles, where the general level of technology diffusion to begin with is relatively low. For instance, Elleman and Harvey note:

The diffusion of technologies and equipment...will enable some of the more advanced regional states to establish over the next decade a capacity domestically to produce short range (less than 500km) and inaccurate ballistic missiles, irrespective of export controls. Indeed, the MTCR alone will not halt missile proliferation. The regime, however, may be capable of limiting future threats by inhibiting countries from making qualitative improvements
in range and accuracy (1993: 27). An example that is often cited to illustrate the value of this is that during the Gulf War, Iraq had only limited-range and inaccurate SCUD derivatives, rather than intermediate-range and highly accurate Condor II missiles. It may be recalled that Iraq tried to use radiological warfare of sorts by firing concrete-tipped missiles at an Israeli nuclear reactor, but was unable to score a hit.

Significantly though, the same line of reasoning is also applied at the higher end of the technology diffusion spectrum, including the overwhelmingly dual-use biological realm. For example: 'A crude BW capability is within many countries' reach, but more sophisticated, militarily useable options – with less perishable agents, more sophisticated delivery means, and protection at home – are likely to be more difficult to obtain' (L. Dunn et al. 1992: I-6-7). Specifically, 'Nearly all proliferant states lack the sophisticated scientific and technical infrastructure needed to develop novel agents' (Forsberg et al. 1995, p. 57). Moreover, Western countries retain a virtual lock on the weapons potentiality afforded by genetic engineering, which is beyond the grasp of all but a few industrialised countries (L. Dunn et al. 1992). Even Keeley (1995) concludes that supply-side measures are effective, and probably will remain so, against the proliferation of high-end systems across the proliferation areas.

Proponents of supply-side strategies assert that preventing qualitative proliferation represents a profoundly important part of the anti-proliferation enterprise. Sokolski (tst. 1991) notes that improvements in missile guidance accuracy can augment lethality by hundreds, thousands, or even many tens of thousands of casualties. As for CBW, he observes, 'Although we can hope to cope defensively against current CBW threats, we may not have as much reason to be hopeful against advanced agents' (p. 127). Along the same lines, one study concludes: 'The qualitative dimension of BW proliferation is now at least as threatening as the possible spread of BW programs to new states' (L. Dunn et al. 1992: IV-2). This last statement might well apply to the other proliferation areas, because virtually all the advanced capabilities identified in the chart above are seen to greatly enhance the threat posed by these weapons.

Driving Up Costs, Slowing Down Progress

The vast majority of analysts believe that, regardless of whether denial tactics are able to prevent the spread of proscribed programs, these tools are almost always able to increase their costs and to slow down their rate of progress (Lunbo 1997; Simpson 1998. Even the strongest promoters of non-possession norms do not as a rule dispute this modest claim. For example, Evans and Grant offer the following assessment of the Australia Group:

The effectiveness of the system cannot be established in an absolute manner, but it has raised the cost of acquiring an offensive CW capability by drying up sources and diverting the delivery routes of CW proliferators. It may therefore have delayed the programs of countries seeking to acquire CW by forcing them into alternative and less efficient routes (1991: 88).

Although non-possession enthusiasts do not usually extol such modest outcomes, defenders of the supply-side approach see them as extremely valuable. For example Carus, while expressing scepticism that export controls
can prevent the spread of missile capabilities, nevertheless suggests that merely raising costs of individual programs in some cases can still serve to prevent proliferation. He explains:

It is likely that increasing diplomatic and economic costs will lead to the cancellation of some missile programs. If missile acquisition is made more expensive, other military requirements will compete for limited resources available for weapons procurement. Under such circumstances, missile programs are apt to be eliminated or given reduced priority. Higher costs also will affect the international trade in missiles by making purchases more expensive and less reliable (1990: 58).

Similar benefits are seen to be derived from delaying the progress of programs of concern. Bertsch, Cuppitt and Yamamoto note:

Many analysts view export controls as a 'second-best' form of policy. Effective export controls, however, can buy time for a host of alternative diplomatic, economic, and military policies, or a variety of events, particularly the advent of democracy, to further delay or even prevent proliferation, as well as raising the issue on the policy agenda and providing an important symbol of no 'business as usual' with targets of the policy (1997: 408).

Lewis Dunn makes a similar point:

The importance of slowing programs and buying time should not be underestimated. Buying time is important to allow outsiders to try to influence countries' incentives to acquire NBC weaponry, sometimes beginning dialogues on nonproliferation that may bear fruit only years later. By slowing programs, export controls have on several occasions also made it possible for 'other things to happen', not least new thinking by old leaders or new leaders rejecting old thinking (1998: 66).

As one veteran US State Department official interviewed observes, 'The classic examples of nonproliferation successes, Argentina, Brazil, South Africa, are really successes of keeping the lid on until more fundamental things change'.

Some observers point out that, even in cases where delay does not ultimately kill a program, it still gives Western countries breathing room to ensure that their defensive capabilities stay ahead of a proliferator's efforts to exceed them (Hirsh 1998; Sokolski tst. 1991). Testimony by a US Defense official makes underscores that these are critical parallel benefits of delay:

We think of our task as slowing the dangerous spread...to prevent the threat from exceeding our defensive capabilities....We, therefore, talk about slowing the proliferation of threatening technologies, of threatening weapons systems, in order to give ourselves more time to perfect other measures, active and passive defensive measures; of course, that includes also more time for diplomacy, for regional understanding and so forth to work (Hinds tst. 1989a: 14).

The bottom line is that even the most modest claims for the capability-denial approach are seen by some to make a critical contribution to responding effectively to the threat of proliferation.
NON-POSSESSION NORM-BUILDING

Negative Perspectives

Breakout

As one senior ACDA official observes, the technology diffusion argument cuts both ways (Mahley int.). He notes, "A [non-possession] norm has exactly the same problem in terms of the explosion of technology because there are then ways to work around the strictures of the norm." This observation lies at the heart of the breakout argument, one of the main criticisms levelled at the non-possession approach. Because relevant capabilities with dual-use and defensive applications typically are permitted under the non-possession formula, to the extent that the line between these capabilities and proscribed weapons programs is narrow or blurred, a country can legally acquire capabilities just short of a prohibited program within the framework of treaty safeguards. In other words, the nonproliferation buffer is reduced to precisely the width and clarity of the line separating allowable civilian and defensive programs from proscribed weapons programs.

Proponents of the breakout argument note that participation in a non-possession treaty-norm does not merely allow this to happen, but indeed facilitates the process by explicitly legitimising and even encouraging outside support for permissible cognate activities in exchange for such activities being subject to treaty safeguards against diversion to prohibited uses (e.g. BWC Article X, CWC Article XI). This is essentially the 'atoms for peace' formula pioneered in the NPT, which has subsequently been used as the normative model in the non-nuclear areas. In much the same way that critics of supply-side nonproliferation argue that transposing the antecedent nuclear export control model to the other proliferation areas is inappropriate – because the technology is too diffuse to be controlled effectively – critics of non-possession treaty-norms argue that transposing the antecedent nuclear safeguards model to the other areas is inappropriate because meaningful thresholds do not exist between permissible and prohibited activities.

The technical overlap between civilian and/or defensive programs and proscribed military programs in the CB/M areas is acknowledged almost universally. In the realm of ballistic missiles, Chow (1993) concludes definitively that there is no way to safeguard against converting a civilian SLV to an offensive ballistic missile. There is also extensive overlap between certain aspects of advanced civilian and military aircraft and unmanned air vehicle (UAV) technology and offensive cruise missiles (Defense Science Board off. 1995). Sokolski acerbically observes, 'As for safeguarding “peaceful” space launchers and drones, one might as well attempt to safeguard “peaceful” nuclear explosives' (1996: 93). Likewise, missile defence capabilities involve many of the most sophisticated aspects of missile technology.

We have already seen that the applicable technologies are heavily dual-use in the CBW areas. In terms of just how thin the breakout line separating civilian and military capabilities can be, Webster (tst. 1989) notes that certain

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9 Note that this assertion is based on the notion of an artificially built and enforced norm rather than the more traditional notion of a norm being a reflection of a deep existing consensus. In the latter case, problems such as cheating are obviously not highly germane.
civilian chemical production facilities can be converted to CW production in less than a day. Erlick notes the line is even thinner for BW, asserting, 'Most production facilities using microorganisms, including pharmaceutical plants or even breweries, can be converted to produce biological or toxin agents in a matter of hours, with modest prior provision,' and thereafter can produce militarily significant quantities of agent in as little as 96 hours (tst. 1989: 33). However, in addition to this civilian overlap, the line between prescribed defensive and proscribed offensive military capabilities is also thin and fuzzy. Robinson notes, 'In terms of what can actually be observed, a program of research into CW weapons may not be intrinsically different from a program of research into protection against CW weapons' (1992: 62). Erlick makes the same point regarding BW: 'The ultimate objective, be it vaccine or weapon, depends on the intent of the use' (tst. 1989: 33). King and Strauss assert that when it comes to bio-defence, 'It is not that the programs "appear" similar; it is that they have many of he same components' (1990: 122). Moreover, unlike CW-related defensive research, in the case of agents used for bio-defence research, 'To go from legitimate "laboratory quantities" to "weapons quantities" is a matter of days or weeks, not years' (Larsen 1995: 10). Additionally, 'The blurring of [BW] defensive and offensive programs is not limited to research, but extends to development, testing, production and training' (King & Strauss 1990: 125). Even passive CBW defences (mock suits, detection equipment) represent a key requirement of a useable offensive capability (L. Dunn et. al 1992; Findlay 1993).10

Acquiring breakout capabilities does not involve cheating. In fact, the actual act of breaking out is itself quite legal, since virtually all treaty-norms include an abrogation clause allowing a party to withdraw after a brief specified period (e.g. BWC Article XIII).11 Critics of treaty-based nonproliferation see this as a fatal flaw. Gray, for example, argues that, 'States decline to be locked into regimes of arms control, or regime-compliance behavior, when it no longer serves their needs' (1993: 342).12

Cheating

The notion that technology diffusion can cut both ways also applies to the problem of cheating. The breakout problem exists even when a state fully complies with its obligations. However, many critics of the normative approach point out that cheating can serve to aggravate the breakout problem. In a sense, cheating can be thought of as covert breakout-in-place. Needless to say, one's perspective on the seriousness of this problem depends on the perceptions that one has about the effectiveness of a given treaty-norm's compliance enforcement mechanisms. Put another way, if verification is seen to be effective, then covert non-compliance need not be a matter of concern. Ergo, differing assumptions about the importance of the problem of cheating tend to correspond to differing assessments of the effectiveness of verification.

Concern about cheating tends to be associated with the prevalence of applicable dual-use technology, which can provide effective camouflage for

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10 It should be acknowledged that at least a few observers argue that some clear distinctions can be drawn between offensive and defensive capabilities.  
11 North Korea's threat in 1993 to invoke just such a withdrawal prerogative regarding the NPT led to the crisis that resulted in the special arrangements of the Agreed Framework.  
12 That said, historically states have rarely abrogated their adherence to arms control treaties.
prohibited activities. Wallerstein explains this dynamic as follows:

Whereas traditional arms control techniques have utility in counting, monitoring and verifying munitions or munitions-related equipment, such as missile silos, artillery pieces or tanks, the arms control approach is less effective when the armament in question is produced substantially on the basis of dual-use technology.... This leads to the postulate that the more limited the probability of detection – or stated differently, the easier it is to mask or hide an NBC weapons capability – the less ‘deterrence’ is gained from traditional measures such as mandatory declarations, and intrusive challenge inspections (1998: 2).

It therefore follows that verification problems will be least applicable for missiles, greater for CW, and greatest for BW. For example, it may well be impossible to safeguard a sounding rocket or SLV against breakout as a ballistic missile, but it is feasible to verify whether such systems are being tested as ballistic missiles (i.e. whether they come back down).13 By contrast, the dual-use nature of CBW provides ample scope for cheating. Kay elucidates:

The industrial base of many middle-size, developing countries is such that a modest chemical or biological weapons program could be easily accommodated within their open civilian infrastructure, without the construction of significant dedicated facilities and with only trivial and short fused adjustments associated with final weaponization (1995: 101).

There is considerable debate about the efficacy of CW verification – as it were falling in the middle – with various analysts reaching profoundly diverging conclusions. In a representative example of the sceptic school of analysis, Bailey asserts: ‘Nonproliferation treaties are either unverifiable (as in the case of the biological treaty) or they have verification measures that provide little or no confidence against cheating (e.g. nuclear and chemical treaties)’ (Bailey 1993c: 15). On the other hand many experts argue or imply that, even if not absolutely water-tight, rigorous CW-related verification mechanisms can provide a high level of deterrence against cheating.14 However, a number of real-world events in the past several years are often cited to bolster the case for scepticism. For example, Russia has reputedly admitted that the Soviet Union developed a novel nerve agent called Novichok, specifically tailored to circumvent CWC verification provisions by using components not listed on any of the CWC precursor schedules, and which is 5–8 times more toxic than the most toxic common nerve agents (CBW Bulletin 02/93). Sceptics’ perspectives were greatly reinforced by revelations which followed high-level Iraqi defections in August 1995 that revealed that, despite several years of the most intensive, intrusive verification efforts imaginable by UNSCOM, significant elements of the Iraqi CBW program had remained undetected. As a senior US intelligence official notes, in terms of CW-related items UNSCOM failed to detect precursors amounting to 500 tons of VX agent (Oehler tst. 1996).

13 For example, without the benefits of any cooperative verification mechanisms whatsoever, the US and other Western countries were able to detect a recent North Korean missile test flight over Japan, as well as to discount belated North Korean claims that the test involved a peaceful SLV.

Even many verification optimists concede that it is impossible to achieve high confidence of detection when it comes to BW possession (Smithson 1998; Wheelis 1992). The cautionary lessons of UNSCOM are, if anything, seen as even starker in the biological field. As Wallerstein (1998) observes, Iraq was not only able to hide a large-scale offensive BW program, but in fact made significant technical advances (e.g. testing new aerosolisation methods) despite UNSCOM’s presence. Furthermore, the program that UNSCOM failed to uncover in Iraq was larger and more sophisticated than most, and thus, in principle, more detectable (Kay 1995). In addition to large stockpiles of standard agents such as anthrax and botulinus toxin, Iraqi military scientists were experimenting with novel agents, for example aflatoxin, mycotoxin, ricin, and camelpox, all of which had been weaponised in munitions and/or missile warheads (Thraenert 1997). Yet some scholars (Wright 1993) prior to the 1995 defections – a political happening nothing to do with UNSCOM’s verification efforts – used the negative results of UNSCOM inspections to cast doubt on longstanding contentions that Iraq had violated the BWC. Indeed, according to the head of UNSCOM, at the time of the defections UNSCOM itself was within weeks of making a ‘serious mistake’ by issuing a final report giving Iraq a clean bill of health (Butler 1998, 19 June). Putting it mildly, Oehler notes, ‘These revelations demonstrated the ability of countries to hide capabilities in the face of intrusive international inspection regimes’ (Oehler, tst. 1996: 5).

Whatever the initial effectiveness of a verification system, its long-term utility as a deterrent against cheating is thought to decrease as participating target states become familiar with its weaknesses by receiving inspections and/or providing inspectors (Bailey 1993b; Kay 1995). Furthermore, the ability of individual countries to assist international verification efforts by providing vital intelligence likewise diminishes over time, because the very act of sharing intelligence multilaterally inevitably exposes sources and methods which in turn enables the would-be proliferant to undertake countermeasures (Kay 1995).

Finally, verification and compliance are closely related, but not synonymous. Whereas the former is a technical, institutionalised process to detect non-compliance, the latter is an overtly political, situational process to respond to evidence of it. Thus, even if verification points to cheating, any ambiguity short of a proverbial ‘smoking gun’ may be insufficient to ensure the broad political that is required to take firm action against a suspected transgressor. In other words, imperfect verification can exacerbate, and be compounded by, political reluctance to enforce compliance.

Non-participation

A final criticism of the non-possession approach is that it only works for

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\(^{16}\) Barton (1993), Chauvistré (1993), Duncan and Johnson (1997). and Tucker (1996) all make the important observation that, although the UNSCOM experience has demonstrated the difficulty of verifying BW non-possession, it has also provided valuable lessons on how to make verification as effective as possible against a determined cheater.
states that opt to participate, with the assumption being that many states pursuing proliferation programs will choose not to join. States that have no intention of proliferating bear the sovereignty and other costs of membership, while hard-core proliferants remain unaffected. As one observer states:

The BWC and CWC may have some useful provisions that will reduce worldwide stocks of biological and chemical weapons, but they cannot protect against regimes that do not join or governments that violate their provisions. The BWC and CWC will eliminate chemical and biological weapons in the US and other law-abiding countries, while leaving such weapons in place in the countries that represent the greatest threat (Hackett 1996: 2).

Positive Perspectives

Changing the Milieu

Advocates of the normative approach argue that its value should not be judged narrowly in terms of the instantaneous impact of a specific treaty. Rather, they suggest that the greatest benefit to accrue from an interlocking web of non-possession treaty-norms is the long-term impact that such a network of instruments can have on the fundamental attitudes of states as well as the environment in which they operate. This notion is based on the tenet that normative treaties do not merely reflect and lock in place an existing consensus among states, but that in fact the identities, interests, and policies of states are changed over time by the new international norms that these instruments help to build (Jepperson, Wendt & Katzenstein). In other words, norms shape change as well as vice versa. Therefore, even if a treaty-norm is not universal today, it can gain momentum as more states join over time, until the critical mass is attained whereby the web of interlocking norms has altered the proliferation environment to such an extent that non-possession will have become the genuine consensus.

Fergusson explains that this process begins on the national level as states engage with external global norms over time:

This engagement and exposure will gradually result in learning through which states will begin to alter their thinking....They will slowly integrate these global beliefs and norms, altering their national behaviour and creating the conditions for shifting the process itself to regional local, and dyadic levels (1994: 183).

Roberts notes that this is a long-term strategy, and that accordingly there is no expectation for immediate results:

This is not to argue that norms can prevent ambitious and aggressive leaders from acquiring or using weapons of mass destruction; rather they work over the long term to shape the milieu in which leaders garner support domestically and internationally (1993: 13).

Thus, success eventually will 'rest on the voluntary renunciation of WMD by the overwhelming majority of the world community' (Müller 1997: 69).

A corollary to this argument is that, unlike the capability-denial approach,
the non-possession approach sees no inherent danger in the spread of dual-use capabilities (Mutimer 1998). For example, Müller asserts, ‘There is no linear, causal relationship between holding technology and abusing it for weapons purposes’ (1997: 66). This general argument is constitutively related to the proposition that technology diffusion makes capability-denial futile in the long term, and that therefore ultimately the only hope of preventing and rolling back proliferation is to change prospective proliferators’ intentions to possess proscribed weapons. That is, if technology diffusion is inevitable, then it is more sensible to regulate it (i.e. ensuring it is not used for proscribed purposes) than to try to fight it.

Because this argument concentrates on the goal of building a consensus by changing perceptions over time, rather than blocking concrete instances of proliferation in the short term, it evaluates the strengths and weaknesses of specific instruments with primary reference to the long-term goal. For example, Butler (1998, 19 June) argues that the purpose of verification for a non-possession treaty-norm should not be to detect actual instances of cheating, but instead to create a general climate of confidence. Likewise, most non-possession advocates are not particularly concerned about the criticism that only ‘good guys’ are affected by the rules, since their focus is on the future when this description will apply universally.

**Inherent Deterrent**

A number of analysts argue that the inherent deterrent value of treaty-norms, even in the short term, should not be underestimated. For example, Carus (1992a) concludes prior to the completion of the CWC that, notwithstanding its limitations, the problem of CW proliferation would probably be worse without the CWC’s codification and enforcement of a normative prohibition. In a landmark study, Chevrier (1995) examines the original BWC, as an example of an extremely weak treaty-norm (i.e. one with no compliance mechanisms). She finds that the mere existence of a legal prohibition provides a meaningful disincentive for covert possession by participants, despite a very low probability of detection. This deterrent is based on the fact that even being suspected of violating any treaty brings into question a country’s overall trustworthiness. Chevrier even finds that there is a deterrent for non-parties who act overtly or covertly in contravention of a widely subscribed non-possession norm. She extrapolates that, this being the case, any strengthening of a norm’s enforcement process can only serve to strengthen its basic deterrent value. Nor does it matter if this extra deterrence is only marginal, because:

> From the point of view of a country concerned with the compliance of others, undetected possession...is not a more serious security threat if the weapons are outlawed, provided that the country maintains its...defenses and has no interest in having its own arsenal (80).

Although Chevrier’s is one of the only detailed studies of the explicit deterrent effect of a legal prohibition, it reflects widely held assumptions among cooperative nonproliferation supporters. The bottom line is that treaty-norms

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17 This assertion seems to be borne out by the negative consequences suffered by India and Pakistan as a result of their recent nuclear tests, despite the fact that neither country was party to either the NPT or CTBT, and therefore did not violate any legal obligations.
are seen as valuable even in the short term by providing an inherent negative incentive against possession, and that any strengthening of the baseline norm, for example through rigorous verification, serves to incrementally augment this deterrent value. Thus, arguments that verification is less than perfect do not negate the need to make verification as strong as possible, and in any case do not detract from the inherent deterrent value of having a legal prohibition.

Limiting the Problem

Even sceptics of the ability of norms to influence the behaviour of proliferators concede that they are a valuable means to narrow the problem to that of the 'hard cases'. That is to say, there is wide agreement that treaty-norms are reasonably effective at their core prophylactic mission, and that this is extremely beneficial in preventing proliferation from begetting more proliferation. The figurative targets in this sense are not Libya and North Korea, but Japan and Sweden. One key US official states this case as follows:

What a norm does, it helps you by limiting the problem. Its a way of keeping the vast majority of countries in the world that don't do this stuff from doing it in the future. By signing up, it makes it less likely they're going to go for it. By knowing that their neighbors have signed up, it makes them less worried that their neighbors are going to go for it. So that's the biggest thing that the norm does for you ([State int.]).

This is the reverse of the criticism that norms only affect the good guys, saying that even if this is true, it is important as a means to ensure that today's good guys stay that way.

CONSEQUENCE-MITIGATION

There has been comparatively little analysis of the strengths and weaknesses of use-denial strategies as a discreet approach for responding to proliferation. Moreover, there are few observers who take starkly positive or negative positions on this category of proliferation response. It is unclear whether this is because the concept itself has only relatively recently received public prominence, and moreover is widely seen as merely an adjunct or subordinate approach to nonproliferation of one type or another, or because its heavy emphasis on military means is so different from traditional nonproliferation tools.18

Negative Perspectives

The most significant criticism regarding the deterrence element of consequence-mitigation in the CBW areas centres on refuting the assumption that this is best achieved through the threat of in-kind retaliation. Subsequent to all Western states renouncing in-kind deterrence in the early-1990s, however, this argument has largely been rendered moot by its own success. Recent

18 Of course the concepts of deterrence and CB/M defence are nothing new. But during the Cold War they were associated almost exclusively with the strategic Soviet threat rather than the regional proliferation context. While this perception was not entirely accurate in terms of US proliferation response (see Chapter 4), the fact remains that most observers did not take heed of military countermeasures to proliferation until the public profile of this approach was suddenly, dramatically, and somewhat misleadingly elevated by the US Defense Counterproliferation Initiative in 1993.
criticism of anti-proliferation deterrence considers whether nuclear deterrence is credible against limited use of CBW, or whether even overwhelming conventional superiority can provide an adequate deterrent against WMD. Another argument is that robust military deterrence capabilities may have the unintended consequence of provoking a sense of powerlessness and insecurity that could provoke weaker states to embark on proliferation as the only available asymmetric counterweight to Western military dominance.

Note that in reality all but the last of these 'negative' perspectives do not actually challenge the fundamental utility of anti-proliferation deterrence, but instead merely question the particular methods by which best to achieve it. Indeed, Payne (1995) offers one of the few examples of a truly negative perspective on anti-proliferation deterrence. He questions the efficacy of any kind of deterrence against rogue states, noting that such regimes are highly prone to misperception and miscalculation, and that deterrence concepts developed in the bipolar Cold War context do not readily apply to the multi-polar anti-proliferation mission.

Arguments against the counterproliferation element of consequence-mitigation are largely technical rather than conceptual. A number of military analysts question whether the more ambitious aspects of counterproliferation (e.g. NMD) are technically achievable or worth the enormous costs involved. This debate is aimed at others who assess that the emerging revolution in advanced military technologies is making effective defence a feasible prospect across the board (McColl 1997; Pilat & Kirchner 1995).

Beyond these technical questions, even counterproliferation sceptics such as Turpen and Kadner (1997) do not challenge the principle that, in addition to prevention, it behoves Western countries to take at least some prudent steps to cope with mass destruction weapons that manage to slip through the nonproliferation net. 19 Concerns have been expressed that counterproliferation might be destabilising. However, these seem to be based largely on understandable early confusion about what the US had in mind when it launched its Counterproliferation Initiative in 1993 – for the most part due to muddled, contradictory and evolving US explanations – with critics assuming (inaccurately) that Washington was proposing routinely to go to war with any country that had acquired proscribed capabilities (i.e. a systematic program of peacetime strikes designed to roll back proliferated stockpiles and production facilities). Therefore, although the notion of peacetime military responses to proliferation continue to be seen as highly controversial, regardless of whether they constitute preventative capability-denial or pre-emptive use-denial, these concerns have dampened as counterproliferation has come to be understood as a predominantly defensive/reactive concept. 20

Since few observers reject the notion of consequence-mitigation altogether, particularly in terms of deterrence and latent military preparedness,

19 Young (1997, January) is a notable exception, characterising counterproliferation as a worthless concept writ large – hatched by warmongers in the service of the US military-industrial complex, and driven by technological determinism and the latent imperialist instincts of American leaders – and asserting that it only serves to make war more likely.

20 Putting aside US intentions for its counterproliferation initiative, the few real-world examples of WMD-related military attacks (e.g. Israel's attack on an Iraqi nuclear reactor in the 1980s) have been intended to prevent the acquisition of initial capability rather than to roll back proliferated programs. Even Allied attacks on German missile and nuclear facilities during World War II fall into this category. The only obvious exception is coalition bombing during the Gulf War.
the harshest critique ends up being not about the merits of the approach *per se*, but rather on whether it effectively compliments the broader, pre-existing nonproliferation project. This in turn is just one aspect of the complex question of complementarity among all three of the anti-proliferation approaches (see next section below).

**Positive Perspectives**

As just noted, most observers in principle accept the utility of having some means effectively to deter and defend against WMD attacks, if possible. All sides in the mainstream debate therefore in principle embrace a positive perspective on consequence-mitigation. The only debate is regarding whether this is technically possible, and if so, at what cost.

The most categorically positive perspectives on consequence-mitigation come from observers who are pessimistic about the utility of either approach to nonproliferation. These nonproliferation pessimists go further than advocating prudent deterrence and defence, suggesting that these tools should increasingly be seen as the most important element of proliferation response. For example, Bailey states: ‘Given that there are no effective policies to prevent the proliferation of weapons of mass destruction, defenses are needed’ (Bailey 1993c). DeSutter (1997) and Utgoff (1997) make much the same point regarding the need for deterrence. However, even most ardent proponents of consequence-mitigation do not suggest that it should replace prevention (i.e. nonproliferation) altogether, but rather support it as a complementary adjunct response. Fisher (1995) represents an example of the rare exceptions, suggesting that a cooperative network of missile defence arrangements with key allies should be seen as a viable alternative to preventative nonproliferation.

**ARE THESE APPROACHES COMPLEMENTARY?**

**General Perspectives**

The capability-denial and non-possession approaches to nonproliferation are customarily portrayed as mutually reinforcing, forming an integral two-tier structure (Fergusson 1995; Mutimer 1998). Advocates of consequence-mitigation likewise depict it as complimenting the other nonproliferation approaches (DeSutter 1997; Gebhard 1995; Wallerstein 1998). The implications of such assertions of complementarity are considerable. If the different anti-proliferation approaches are mutually reinforcing it makes sense to pursue them all at once. Pearson explicitly argues this case, calling for ‘a sustained effort by states to integrate various policy approaches with the goal of a strong and seamless web of deterrence against the production, possession, and use of these weapons’ (1993b: 161). He argues that nonproliferation treaties, export controls, and applicable military capabilities are all equally important in responding to proliferation A recent academic conference reached similar conclusions, agreeing that a model nonproliferation system would effectively integrate robust non-possession and denial tools (Stanley Foundation 1996a). Likewise, supply-side supporters such as Karp (1996) and Ozga (1994) cite the absence of a complementary non-possession treaty-norm as a major deficiency in the missile nonproliferation system.
If one accepts that the different approaches are complementary, it follows that there is no harm in pursuing all approaches with equal vigour. If this is the case, then the protracted debate in the policy literature about their respective strengths and weaknesses would be largely irrelevant. As one top Australian official has suggested:

The argument about the relative effectiveness of global norms and export control regimes in containing the risk of proliferation is, I believe, essentially an academic and sterile exchange at the most which does no great credit to the protagonists of either viewpoint. It has all the flavour of fiddling while Rome burns. The plain, inescapable reality is that treaties and supplier group regimes must be complementary, and must both be effective if proliferation is to be stemmed (Evans off. 1993: 3).

However, in the real world, things are not always as cut and dried as the above discussion might suggest. Simultaneously pursuing complementary approaches with equal vigour is doubtless an appealing prescription. Unfortunately, policy makers face inescapable tensions in choosing among the different anti-proliferation approaches.

In the first place, each anti-proliferation approach entails significant costs.21 The political capital, bureaucratic energy, and funding that countries have available nationally and multilaterally to address any policy problem are finite, and therefore priorities must be set on how best to allocate limited resources among available means. Even assuming that the approaches are mutually reinforcing, if one or another is seen to deliver only small benefits at considerable costs, it may simply be regarded as not worth pursuing, or only worth pursuing if these costs are strictly minimised. So even if the approaches do not impair one another directly, implicit trade-offs between them may exist.

Beyond such resource allocation considerations, to the extent that these approaches are not mutually reinforcing, then significant trade-offs are inevitable. So are they complementary, even on a conceptual level? Probably not, or at least not entirely. Zanders (1997) argues that while some elements of nonproliferation may be mutually reinforcing, others directly undermine one another. A study prepared for the US Congress by the Office of Technology Assessment sets forth similar conclusions:

Balances must...be struck between conflicting approaches to nonproliferation policy....These approaches...do not represent diametrically opposed positions, but rather indicate opposing tensions that must be balanced against each other (US Cong. OTA off. 1993: 29).

Even for analysts who claim that the different approaches are complementary, a close reading usually reveals that they accord a marked priority to one approach, with the others relegated to supporting roles. In two contrasting, overt examples, Roberts (1998) argues that export controls complement norms, but gives clear priority to the latter, while Utgoff (1997) admits that non-possession norms can be useful, but makes clear that they are worthwhile only if they are not too costly and do not interfere with supply-side nonproliferation

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21 To cite just a few obvious examples, export controls restrict profits from trade, intrusive verification jeopardises sensitive proprietary and/or national security information, and CBW/M defence requires massive military investments.
and consequence-mitigation efforts. Indeed, the only categorical assertions of absolute complementarity found in the recent literature apply specifically to capability-denial and consequence-mitigation strategies (Speier 1999; Utgoff 1997; Wallerstein 1998).

Specific Incongruities Between Approaches

Capability-denial Undermines Non-possession Norms

There is wide recognition in the literature that the aggressive use of the capability-denial approach creates tensions between participating supplier countries and both developing countries and non-cooperating suppliers (Bailey 1993a; Fergusson 1995; Moodie 1995; Roberts 1998; Subrahmanyam 1993). While we may be sceptical of claims that the discriminatory and coercive nature of supply-side nonproliferation has a direct causal effect on proliferation, it seems highly credible that denial strategies would foster resentment in their targets that would make these countries less inclined to work cooperatively with Western countries as partners in non-possession arrangements. Moodie states:

From the South's perspective, the emphasis and approach of the US-led industrialized states are hypocritical, selective, and discriminatory. Regimes such as the Missile Technology Control Regime (MTCR) and the Australia Group...are the objects of particularly intense Southern hostility. In the Southern view, these efforts to deny technology – especially because they deal with dual-use technology – have discriminatory implications well beyond the military realm....Regimes such as the MTCR are seen as efforts to deny the developing world the advanced technologies needed not only for legitimate commercial purposes but as the foundation for sustained development (1995: 83). He goes on to conclude, 'Continued reliance on denial strategies will undermine any progress...because the political support of developing countries is crucial' (p. 84). Müller warns that by continuing to pursue denial strategies, Western countries risk 'dividing faithful [non-possession] regime members between North and South and driving the well-minded non-aligned countries into a completely false and deleterious solidarity with a handful of wrongdoers' (1997: 70). Moreover, as Karp notes regarding the MTCR, there is no way to alter these basic characteristics of supply-side mechanisms:

Despite its strengths, the MTCR will never be able to create an image of fairness. Although it is a regime in the legal sense, its basis in adversarial delineations makes it politically more like an alliance. From the perspective of key regional states, of which India is the most vocal, the whole approach discriminates against the sovereign right of regional governments to arm themselves as they see fit. This critique is important because it casts doubt on the legitimacy of North–South export controls.

The same dynamic obviously applies to the more coercive denial tools such as sanctions. Therefore, the only way for denial tools to not undermine cooperative nonproliferation is to apply them only to countries that do not participate in, or who have been unambiguously caught violating, the non-possession regime.
Consequence-mitigation Undermines Non-possession Norms

Some observers affiliated with the US Defense Department's Counterproliferation Initiative (CPI) (Gebhard 1995; Wallerstein 1998) have made the case that the consequence-mitigation approach might indirectly reinforce cooperative nonproliferation by providing a negative incentive for acquisition. However, this line of reasoning is widely rejected in the academic literature, with analysts of various stripes agreeing that to some extent proliferation management strategies tend to undermine nonproliferation (Keeny 1994; Knoth 1995; Kortunov 1994; McColl 1997; Pengelley 1994; Turpen & Kadner 1997). Indeed, even senior officials at the State Department and ACDA involved with the CPI, although maintaining that counterproliferation programs are justified as a means to protect US interests, nonetheless express doubt that such activities provide a disincentive to proliferators (Gallucci int.; Mahley int.). Certainly the disincentive logic only makes sense to the extent that states are motivated to acquire WMD for the express purpose of using it against the United States and its counterproliferation partners.

How specifically does consequence-mitigation undermine the cooperative non-possession approach? Virtually all consequence-mitigation tools carry the latent threat of military coercion, and so a case could be made that this approach also might erode developing countries' willingness to cooperate with Western countries on non-possession norm-building. However, since in theory only those few states that actually acquire and use proscribed weapons are targets of mitigation strategies, it is at least debatable whether such strategies should engender hostility among good-faith parties to nonproliferation treaties. Nonetheless, even potential targets of a military capability are likely to perceive it as coercive, or at least latently coercive, and therefore might be less inclined to work cooperatively with governments pursuing use-denial strategies.

A more significant and pervasive concern is that robust Western preparations to cope with proliferation are defeatist about the overall effectiveness of any type nonproliferation. This undermines the norm-building approach by signalling an unmistakable vote of no confidence in the efficacy of normative instruments. As a US press report noted at the time that counterproliferation was launched: 'Some analysts in the arms control community oppose the program because they believe it represents capitulation to arms proliferators – a collective throwing in the towel on efforts to prevent the spread' (Washington Post 5/15/94: A11). According to one account, even the nonproliferation bureaucracy in the Pentagon itself shared these concerns (Milhollin 1994).

This latter effect does not undermine supply-side nonproliferation in particular, because denial strategies do not need to enjoy the confidence of their targets, and in any case do not claim eliminate the problem completely. Indeed, as Fergusson (1996) notes, counterproliferation can assist supply-side nonproliferation by raising the bar of effectiveness and so forcing aspiring proliferants to seek more sophisticated programs, which are more costly, technically challenging and vulnerable to supply-side disruption. Moreover, US Defense officials have long argued that one of the primary benefits gained from denial strategies is to buy time to develop effective proliferation countermeasures (Fitzgibbon int.).

In marked contrast, the norm-building approach is premised on gaining the confidence of its targets in the effectiveness of the overall system, the aim of
which is not merely to attenuate the problem, but to solve it. Non-possession norms are constructed on a foundation of collective reassurance. Indeed, Robinson asserts that the main normative purpose of a non-possession treaty is to inspire enough confidence in member states ‘for them to relax, or forgo adopting, measures of national self-reliance against that menace’ (1987: 21). By devoting vast resources and energies to proliferation management, Western countries are in effect visibly hedging their bets on whether treaty norms warrant such confidence. Such an overt signal of doubt cannot help but make other countries question whether it is wise to rely too heavily on non-possession arrangements as the basis for their security (Keeny 1994). And for the majority of countries, which do not have the wherewithal to acquire counterproliferation capabilities and allowable deterrents, and which do not enjoy an alliance relationship with a country that does, the alternative might be a countervailing deterrence-in-kind (i.e. possession). Nor are security assurances – those frequently vague multilateral undertakings to assist participants who are attacked – likely to be sufficiently reassuring to offset these seeds of doubt.

On an even more direct level, given the overlap between defensive and offensive capabilities in the CB/M areas, defensive programs severely undermine the effectiveness of non-possession norms by exacerbating the problems of breakout and cheating. A number of observers therefore argue that nonproliferation treaties could be greatly strengthened if some or all exemptions for defensive programs were eliminated (King & Strauss 1990; Wright 1993). This remains impossible, however, as long as key participants insist on the right to pursue counterproliferation strategies. Again, this problem does not especially affect supply-side strategies, since these tend to disregard intentions (e.g. defensive versus offensive) in the first place.

Non-possession Undermines Capability-denial

Non-possession treaty-norms reinforce supply-side efforts by legitimising denial strategies that target non-member proliferant states, but only at the price of undermining the legitimacy of similar efforts aimed at member states. Non-possession treaty-norms explicitly authorise the provision and acquisition among their members of dual-use and defensive capabilities short of weaponisation. In other words, such treaties essentially define the proliferation problem as external (limited to non-member states), notwithstanding intra-regime problems such as breakout and undetected or unproven cheating. Burck and Flowerree (1991) epitomise this tendency when they state: ‘If all countries capable of making chemical weapons subscribed to the [CWC] convention, the proliferation problem would disappear’ (568).

Denial efforts targeted against members of non-possession treaty-norms are therefore deemed unnecessary, or even inappropriate, because of the inherent assumption that the proliferation problem resides primarily outside the non-possession regime. Ergo, global denial strategies are only justified as in the absence of a global treaty-norm. Stock and De Geer (1997) illustrate this thinking by not even considering the possibility that the Australia Group should continue to operate once the CWC is fully up and running, despite the fact that the treaty’s only explicit restriction on intra-member transfers is a relatively

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22 Internal proliferation problems are explicitly limited to cases where parties have unambiguously been determined to be in non-compliance. Such internal problems are then dealt with according to the internal enforcement provisions of the treaty in question.
weak one (on actual weapons agents).\textsuperscript{23}

Eisenstein notes the consequences from a capability-denial perspective of this legitimising effect on all internal dual-use capabilities:

Of concern is the prospect that some developing nations will sign the CWC with the intention of avoiding controls on export of chemicals to their countries while preparing themselves to break out rapidly from under CWC in times of national emergency (1993: ix).

Chow makes much the same point in arguing against the creation of any type of global missile ban:

The problem is the illusion that such a safeguard regime would create. The MTCR members would then have to provide technical assistance to countries that are willing to join the regime. Some countries will join simply because they know the regime cannot stop them from transferring missile technology from space launchers to ballistic missiles. The creation of the regime would greatly reduce the likelihood of MTCR members joining forces in refraining from providing space launch assistance to others (1993: 65).

Indeed, a number of real-world cases have demonstrated that proliferators such as Iraq have been able to use membership in non-possession treaties to provide a veneer of legitimacy to their efforts to secure ostensibly civilian equipment and technology for military programs (Burrows & Windrem 1994) while at the same time lulling the international community into a false sense of confidence. The difficulty this poses from a capability-denial perspective is manifest when one considers that suspected proliferators such as Iran and North Korea are parties in good standing to non-possession treaty-norms.

This effect may be magnified in the case of norms that feature verification provisions, since in such cases the legitimacy of denial efforts may be diminished even in cases where suppliers suspect that a country has an illegal weapons program. Supply-side nonproliferation ‘has a positive verification bias...the parties are driven to deny technology transfer unless positive evidence of compliance exists’, whereas the non-possession approach ‘is driven towards a negative verification bias...the parties are driven to accept technology transfer in the absence of evidence of non-compliance’ (Fergusson 1995: 83). Consequently, unless a non-possession verification system is foolproof, it runs the risk of undermining denial by producing ‘false negative’ results. (Recall the scholar [Wright] who in 1993, prior to defectors proving otherwise, cited the failure of UNSCOM inspections to find evidence of an offensive BW program as the basis for challenging claims that Bagdad had violated the BWC.) Poor verification of a non-possession instrument can therefore be worse than no verification at all from a capability-denial perspective, because politically it becomes nearly impossible to target a facility that has received a clean bill of health. For example, in the absence of

\textsuperscript{23} Because the treaty has a general prohibition on assisting any state to acquire prohibited weapons, the case is often made that this represents a blanket obligation of supply-side restraint, including among parties. However, this is not reflected in the kinds of specific rules and implementation procedures that are needed for effective national implementation of a multilateral supply-side arrangement.
inspections uncovering a smoking gun, Iran’s status as a CWC member is likely to undermine US claims that it has an offensive CW program, making it harder for Washington to convince others to target Iran with robust supply-side efforts.

Non-possession Undermines Consequence-mitigation

Universal non-possession treaty-norms eliminate the ability of a cooperating country to manage proliferation by deterring the use or threat of use of the proscribed weapon against its interests through the threat of retaliation in-kind. Additionally, they may also implicitly erode defensive capabilities and alternative means of deterrence through what is sometimes termed the ‘lulling effect’. In other words, imperfect disarmament treaties can create false confidence that the specified threat has been eliminated, thereby undermining support for ongoing measures to deal with it (Bailey 1993b; Lynn-Jones 1987). This problem is seen as especially acute for democratic countries, where public support is needed for military spending. A frequently cited example of the lulling effect in action is the evisceration of Congressional support for US bio-defence programs following entry into force of the BWC in the 1970s.

Summary Estimation of Complementarity

Capability-denial and consequence-mitigation appear to be fully and mutually reinforcing on a conceptual level.24 Use-denial can even be seen as a logical extension or additional layer of capability-denial (capability denial after the fact).25 In a sense these categories conceptually can appropriately be bundled together conceptually as two pieces of a common (i.e. complementary) approach.

In contrast, these approaches have a number of incongruous aspects with the non-possession approach. This is not to imply that they are wholly irreconcilable. But in order for these approaches to be complementary, one or the other (here treating capability-denial and consequence-mitigation together as a single extended approach) needs to be pre-eminent. Each has a potentially useful reinforcing role to play as a subordinate approach, but an implicit decision needs to be made on which will support which. Whether this is based on conscious prioritisation, or is decided de facto by the accumulation of individual policy decisions, the point is that trade-offs are inevitable.

The bottom-line is that even if a state embraces all types of proliferation response simultaneously, it is inevitable that to some extent it will be forced to prioritise between non-possession norm-building on the one hand and capability-denial and/or consequence-mitigation on the other.

24 Of course even complementary approaches compete in terms of scarce budgetary resources and bureaucratic/political energies. However, even this generic trade-off seems relatively minimal in this instance, since capability-denial utilises primarily political and economic resources, whereas use-denial utilises primarily military resources. That said, one clear point of resource competition is in the area of intelligence, since capability-denial requires intelligence on WMD development programs and associated equipment and technology transfers, whereas consequence-mitigation requires intelligence on operational WMD capabilities.

25 Analysts such as Speier (1999), Utgoff (1997), and Wallerstein (1998) make this point explicitly.
CHAPTER 4
US PROLIFERATION RESPONSE

The purpose of this chapter is to provide a structured, comprehensive account of US responses to proliferation. It begins with a historical overview laying out the general priority that anti-proliferation has had within Washington's overall foreign and national security policies, and its general doctrine and policy initiatives (i.e. applicable to all proliferation areas). It then explores responses in each proliferation area in separate, parallel, multi-faceted case studies. Finally, it summarises common patterns that are discernible across these various sets of observations.

SECTION 1: OVERVIEW

General Priority

Prior to the 1980s, the United States for all intents and purposes did not conceive of a proliferation problem in the CB/M areas. The threat posed by these weapons categories was seen almost exclusively in terms of the Soviet Union and its allies. The tiny nonproliferation bureaucracy of the time was concerned solely with the spread of nuclear weapons. The level of media and Congressional interest in non-nuclear dimensions of proliferation was correspondingly negligible. This almost total lack of attention, and even awareness, persisted through the first few years of the Reagan administration.

Awareness of the problem of horizontal CB/M proliferation did not occur evenly or all at once. The first glimmer was the realisation among nuclear nonproliferation experts at ACDA and NSC that the spread of nuclear-capable missiles could envenom the risks associated with nuclear proliferation. This became the subject of interagency discussion beginning in early 1982 (Speier int.). Awareness of the threat of CW proliferation occurred somewhat later, sparked by public allegations in 1983–84 that Iraq had used poison gas in its war against Iran. This was reinforced by the first glimmer of media interest in the wider issue of CW proliferation, based on a series of provocative intelligence leaks (Robinson 1991). Awareness of BW proliferation was the last to emerge, sparked by the 1990 Gulf crisis (Mahley int.).

Despite a growing awareness of the problem by the working-level bureaucracy, and the first tentative steps to formulate a cohesive set of policy responses, CB/M proliferation remained an extremely low priority in the mid-1980s. No formal interagency process focused on CB/M proliferation as such. Instead, applicable issues regarding treaty negotiation or implementation were dealt with within the interagency arms control structure, while coordination on supply-side issues was either ad hoc or handled within strategic trade control channels. Such diffusion and inattention was also the rule at the agency level. The deputy assistant secretary of state partly responsible at the time recalls that CB/M proliferation issues were not regarded as important. Policy decisions on these issues were rarely if ever elevated above his level within the State

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1 As noted in Chapter 1, these individual case studies have been included in a single chapter, pursuant to the embedded multiple case studies research design being employed. This necessitates an extremely long chapter comprising chapter-length case studies. Consequently, both the current and subsequent chapter have been divided into numbered sections.
Department (McNamara int.). Likewise, the relevant policy issues were dispersed among the portfolios of various working-level staff in the defence and arms control cell at NSC (Mahley int.). Even at the specialised Arms Control and Disarmament Agency (ACDA) – the only agency to boast offices with years of involvement in all aspects of CB/M nonproliferation and disarmament – top leadership was focused almost entirely on traditional East–West arms control issues (Alessi int; Mahley int.). Senior officials at the Pentagon took a somewhat greater interest, particularly in the missile area, but still saw proliferation as secondary in importance to a plethora of arms control and various other security policy issues pertaining to the Soviet threat (Feith int.; Perle int.; Speier int.).

This laissez-faire attitude prevailed more or less throughout the second Reagan administration. Notwithstanding a modest increase in Congressional and media interest – particularly after Iraq’s use of CW against its own citizens in 1988 – and sustained efforts by a small but now firmly established cadre of working-level bureaucrats in State, OSD, ACDA, NSC and Commerce, the issue stayed low priority. President Reagan’s National Security Strategy of the United States (off. 1988), promulgated during his final year in office, only mentions nuclear nonproliferation in passing near the bottom of the priority list. There is no mention whatsoever of the threat of, or response to, CB/M proliferation. Interagency coordination on pertinent issues remained *ad hoc*, and rarely rose to senior political levels. According to the deputy assistant secretary of defense responsible for all aspects of proliferation response during both the late Reagan and the early Bush periods, CB/M proliferation issues remained almost completely marginalised through the first year of the Bush administration (Hinds int.).

Although in one sense President Bush was a carry-over from the Reagan period, his administration made clear its intention to give much higher priority to proliferation issues. While nuclear proliferation continued to dominate this agenda, top officials began to point to the other areas as new sources of concern. For example, testifying soon after becoming CIA Director, William Webster noted:

> Chemical weapons are thought to offer a cheap and readily obtainable means of redressing the military balance against more powerful foes. Some see them as the poor man’s answer to nuclear weapons....Along with the proliferation of chemical weapons, two equally disturbing developments are the proliferation of both

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2 See Appendix 1 for US–Australian rank equivalence.

3 The working-level NSC staff rank several notches above their agency counterparts, having roughly the same protocol status as a deputy assistant secretary. As noted in a prior footnote, other than in this case, US expert officials (e.g. desk officers, branch chiefs) are referred to herein as working-level, office directors through deputy assistant secretaries as mid-level, and assistant secretaries or above as senior-level. Agency heads and their deputies are sometimes referred to as top- or high-level. The Vice President and President are referred to as highest-level. See Appendix 1 for comparison of US and Australian official ranks.

4 As discussed in the following CW case study, to the extent that ACDA’s top echelons paid any attention to these areas, it was in the context of the traditional arms control & disarmament roles that the BWC and CWC played *vis-á-vis* the capabilities of the USSR.

5 Interestingly enough, the Reagan administration’s first deputy assistant secretary of defense responsible for these issues, Ronald Lehman, would later demonstrate the personal interest and expertise that he had acquired as a strong advocate of nonproliferation when almost a decade later he became ACDA Director in the Bush administration.
Indeed, almost all of the most worrying proliferation incidents in the preceding few years had been in the non-nuclear areas (Bowen & Dunn 1996). The new stress on these threats was codified in a revised *National Security Strategy*. Put out just two years after the Reagan document, the new version states:

The spread of ever more sophisticated weaponry – including chemical, biological, and nuclear weapons – and of missiles capable of carrying them represents a growing danger to international security. This proliferation exacerbates and fuels regional tensions and complicates US defense planning. It poses ever greater dangers to US forces and facilities abroad, and possibly even to the United States itself (Bush off. 1990: 65).

Although preventing proliferation was still not near the top of the list of strategic objectives, CB/M proliferation was now seen as an integral part of the national anti-proliferation agenda.

The Bush administration acted quickly to raise the priority of proliferation response at the level of bureaucratic organisation. From the beginning, it moved across the board to improve and elevate interagency coordination on supply-side nonproliferation issues. The White House created the Proliferation Policy Coordinating Committee two months after coming to office. This very senior level interagency group provided for the first time regularised policy coordination of all elements of supply-side nonproliferation across the proliferation spectrum. Chaired at the under-secretary level by the State Department, it had sub-groups for each of the nuclear, CBW, and missile areas that were chaired at the assistant secretary level. Each of these sub-groups in turn had working level committees that met bi-weekly to coordinate interdiction efforts based on the latest intelligence (Clarke tst. 1989, 1991; Hinds int.). All in all this represented an astoundingly rapid and significant increase in the bureaucratic attention given to nonproliferation issues.

The individual agencies also moved quickly to enhance their internal nonproliferation structures. The State Department for the first time merged all aspects of CB/M nonproliferation – including all non-possession and all supply-side instruments – into a single directorate (Clarke tst. 1989). OSD quadrupled the number of personnel assigned full-time to work on supply-side nonproliferation (Hinds tst. 1989). It strengthened these resources further in early 1990, by adding additional personnel and creating a new Defense Department nonproliferation tsar with the equivalent rank of deputy assistant secretary (Fitzgibbon int.; Sokolski int.). NSC for the first time consolidated all supply-side nonproliferation issues into a single portfolio, and likewise merged the disarmament aspects (e.g. CWC, BWC) into another single portfolio (Mahley int.; Poneman int.).

The near simultaneous occurrence of the 1990–91 Persian Gulf crisis, the

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6 For example: Iraqi and Iranian use of CW and missiles in the Iran–Iraq war; confirmation in March 1988 that Saudi Arabia had acquired the 1,600-mile DF-3A intermediate-range missile from China; rapid progress (and associated export expectations) of Argentina’s Condór IRBM; and, revelations that Libya was constructing a large-scale CW facility.

7 BWC and CWC issues were already coordinated within the established interagency group for arms control and disarmament. At this juncture still very little consideration was given to the nonproliferation roles of these instruments.
sudden elimination of the Soviet threat, and the anticipation of greater regional instability in the post-Cold War environment, led to a sea change in the level of US concern about proliferation. Although in its first two years the Bush administration had already increased the overall priority given to responding to the all aspects of proliferation, the Gulf conflict highlighted the asymmetric vulnerability of US forces against a Third World enemy with CB/M capabilities, thus elevating the issue to the forefront of national security concerns. As Assistant Secretary of State for Politico–Military Affairs Richard Clarke emotionally testified just weeks after the cessation of hostilities:

None of us who lived minute by minute through the Persian Gulf war and the attacks on three nations with ballistic missiles, none of us who spent weeks trying to get chemical protective and biological protective gear to our personnel in the theater, can have any doubts about the risks and dangers that proliferation poses for our country and our allies (1991 tst.: 76).

UNSCOM soon began to reveal the comprehensive scope of the failure of nonproliferation in Iraq, as well as how close Baghdad may have come to using CBW. In interviews, virtually all officials involved at the time or subsequently, at all levels and across the interagency, recall concluding that the United States had only narrowly dodged the bullet of WMD use. The catalytic impact of this realisation at the highest levels was profound.

President Bush formally elevated the priority of the proliferation issue during the military build-up preceding the Gulf conflict. In November 1990, finding that the proliferation of nuclear, chemical and biological weapons, and their means of delivery constituted an extraordinary threat to the United States, he formally declared a national emergency under the provisions of the International Emergency Economic Powers Act (OSD off. 1997b). (This formal state of national emergency has been renewed every two years since then.) As one top administration official told Congress: ‘The world has changed...and increasingly we have seen a transition in priorities away from some of the traditional concerns and more toward areas such as ensuring that weapons of mass destruction do not proliferate’ (Lehman tst. 1992: 8). President Bush signalled this shift in priorities to the world in a speech to the United Nations General Assembly (UNGA) on 21 September 1992, in which he identified nonproliferation as one of the key elements of the new global security agenda. He announced that consequently he had directed ACDA to redirect its efforts to support this new agenda (ACDA off. 1992; Bush off. 1992). At about the same time, CIA Director Robert Gates established the Nonproliferation Center (NPC), with a director reporting directly to him, in order to redirect the efforts of the entire Intelligence Community (IC) on the new nonproliferation mission (Woolsey tst. 1993).

In addition to increasing the executive branch focus on proliferation, the Gulf War also led to increasing public awareness of the issue, and particularly its CB/M dimensions. Press coverage on all aspects of the proliferation threat surged. Bipartisan Congressional interest also rose dramatically. Indeed, media

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8 He quickly went on to say: ‘I should point that that does not mean...that we have not been worried about nonproliferation in the past’ (9).

9 One former ACDA official points out that this was almost entirely a symbolic gesture, since ACDA had always been involved in all aspects of nonproliferation (Alessi int.).
and Congressional interest has continued unabated ever since. Influential newspapers like the New York Times, Washington Post, and Wall Street Journal have carried hundreds of stories, editorials and opinion essays on CB/M threats and responses. National security reporter Bill Gertz of the Washington Times has made a virtual cottage industry of splashing highly classified intelligence leaks about proliferation across the front page. On the Congressional front, more than a dozen House and Senate committees and sub-committees have issued scores of reports and held hundreds of hearings to hear testimony from nearly 700 witnesses relating to CB/M proliferation since the Gulf War.

The Clinton administration came to office at the bow-wave of this intense public and Congressional concern about proliferation. The new President arrived in Washington with an election mandate (and personal inclination) to focus on domestic rather than foreign policy and national security issues. However, even if the President himself was focusing 'like a laser' on the economy, his newly assembled national security team took pains to indicate that, whereas the previous administration had elevated proliferation to the first-tier of priorities, the Clinton administration would put it even higher, near the very top of this list.

Top officials from different agencies quickly emphasised their focus on proliferation. For example, at his very first appearance on Capitol Hill, President Clinton's new CIA Director characterised the proliferation threat as new, menacing, and getting worse. He testified:

> Of the many issues that have emerged in recent years, few have been more serious – and have more serious and far-reaching implications for global and regional security and stability – than proliferation....A growing number of countries are seeking advanced weapons, including nuclear, chemical and biological ones, as well as missiles to deliver them (Woolsey tst. 1993, 24 February: 9).

A senior State Department official informed Congress:

> Nonproliferation is the central priority of the post-Cold War world. The proliferation of dangerous weapons represents the most critical security threat we face. As a result, the Clinton administration is placing a very high priority on nonproliferation (Davis tst. 1993: 2).

Perhaps most significantly, Defense Secretary Les Aspin's much touted Bottom Up Review of US strategic priorities identified the proliferation of WMD and missiles and the single most urgent and direct threat to the security and interests of the United States (Pilat & Kirchner 1995).

By the middle of President Clinton's first term, anti-proliferation had become firmly established at the centre of a new national security orthodoxy. A senior ACDA official put it this way: 'In the wake of the end of the Cold War, the proliferation of weapons of mass destruction (WMD) and their missile delivery systems is receiving the priority attention that was once reserved for the superpowers' nuclear competition' (Wulf tst. 1994). Moreover, while nuclear proliferation was still seen as the highest priority (Davis tst. 1993; Gallucci int.), the other areas were now portrayed as extremely important too. Whereas the Reagan National Security Strategy fails to even mention CB/M proliferation, and
the Bush version mentions it only in passing, the Clinton rendition devotes an entire seven-page section to all aspects of the proliferation topic. It states:

A critical priority for the United States is to stem the proliferation of nuclear weapons and other weapons of mass destruction and their missile delivery systems. Countries' weapons programs, and their levels of cooperation with our nonproliferation efforts, will be among our most important criteria in judging the nature of our bilateral relations (Clinton off. 1995: 42).

From the beginning, the administration backed up its declaratory interest in proliferation response with intensified bureaucratic coverage. The White House sent a powerful early signal in this regard by creating the position of Special Assistant to the President for Nonproliferation and Export Controls, for the first time elevating and merging NSC management of all aspects of proliferation response – supply-side, non-possession and, broadly speaking, even proliferation management – under a single senior official (Poneman int.).

The Pentagon also elevated and revamped coverage of anti-proliferation policy. In addition to the symbolism of adding a proliferation reference to the title of the incoming assistant secretary responsible for international security policy, a new position of deputy assistant secretary of defense for counterproliferation policy was created, responsible for all aspects of nonproliferation and counterproliferation (Carter int.; Fitzgibbon int.; Wallerstein int.). The State Department likewise consolidated all proliferation-related issues for the first time under a deputy assistant secretary of state for nonproliferation. All in all, the further bureaucratic elevation of the proliferation issue in the first years of the Clinton period was dramatic.

Former Assistant Secretary of State for Politico–Military Affairs Robert Gallucci recalls: ‘There’s no question that my highest priority was proliferation concerns’ (int.). His successor recollects: ‘I was up to here in proliferation....Almost all of the major initiatives were in the nonproliferation area’ (McNamara int.). Their Pentagon counterpart likewise saw proliferation as ‘the national security challenge of our times’ (Carter int.). What had just a few years before been the concern of a small clique of lowly bureaucrats had become a significant day-to-day focus of senior officials at the assistant, under-, and even deputy secretary level.

The Clinton administration’s initial expressions of concern about proliferation have grown stronger in recent years. Officials at the highest levels have reiterated countless times the seriousness with which they view the proliferation peril. Whereas at the beginning of the administration, proliferation was elevated to a critical priority, its status subsequently has risen to top billing. This is aptly reflected in the title of a recent article by one of the President’s senior national security aides: ‘US Non-proliferation Strategy: No Higher Priority’ (Steinberg off. 1997). In a recent major policy speech the Secretary of State characterised the problem as ‘the overriding security interest of our time’ (Washington Post, 02/22/98). In his most recent annual testimony on global threat assessments, the Director of Central Intelligence ranked proliferation as the number one danger facing the United States, noting that proliferation in hostile countries such as Iran had outpaced the intelligence predictions of only

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10 As a transitional arrangement, this presidential aide shared joint jurisdiction on the CWC with his arms control counterpart up until treaty ratification, in order to retain continuity with the Congress.
a few years ago (Tenet tst. 1998).

The level of bureaucratic coverage has also risen in recent years. According to one source, by 1996 over six hundred personnel in up to sixty separate executive branch offices were assigned full time to fighting proliferation, representing a five-fold increase over the same figures at the end of the Reagan administration (Sokolski tst. 1996). Even more recently, the Director of Central Intelligence significantly augmented NPC staffing levels, and enhanced the authority of its director (Washington Post 11/4/97). For its part, the Pentagon merged three agencies that hitherto had concentrated on Cold War missions to create the proliferation-oriented Defense Threat Reduction Agency (DTRA). This anti-proliferation super-organisation has consolidated implementation responsibilities, including export licensing, managing treaty verification, and sponsoring technical research. It has a compliment of 2,100 personnel and an annual budget of $1.9 billion (Washington Post, 10/2/98).

It should be noted that there is a growing chorus of knowledgeable observers who assert that, notwithstanding its declared commitment to the cause of anti-proliferation, the Clinton administration’s deeds have not matched its anti-proliferation rhetoric. Specifically, they note that it has been unwilling to sacrifice diplomatic, economic and other interests to achieve anti-proliferation goals. Because the administration is seen regularly to subordinate anti-proliferation goals to competing interests, these observers infer that President Clinton has been dishonest about the priority that he and his administration attach to fighting proliferation. For example, a former mid-level official from the Bush administration charges, ‘As a policy matter, nonproliferation is being taken less and less seriously’ (Sokolski 1996). Likewise, a recent Congressional report complains, ‘By speaking loudly but carrying a small stick the Clinton Administration risks its credibility and America’s security’ (US Cong. Senate. off. 1998: 1). This sentiment is echoed in interviews by several former mid-level and senior officials from various agencies, including at least one who served in both the Bush and Clinton administrations.

Interviews with current career bureaucrats seem to reinforce claims that there has been a lack of alignment between the declaratory and actual priority given to proliferation response. A mid-level official at ACDA notes that this problem has been especially pronounced in terms of the administration’s willingness to take action to stop problematic Russian and Chinese CB/M-related exports. He states, ‘We haven’t acted as vigorously as we should have...for political reasons’ (int.). According to a mid-level State Department official with long-standing involvement in proliferation issues, despite strong rhetoric to the contrary, nonproliferation clearly is not treated as a top priority by the Clinton administration. This official contends that many career officials hold this view privately and that, as a result, there is widespread discontent within the career bureaucracy (int.). Others are less direct, but hint at the same general problem ([ACDA] int.; [DOD] ints.).

Congressional concern about the administration’s commitment on

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11 The three antecedent agencies were: Defense Special Weapons Agency (formerly the Defense Nuclear Agency); the Defense Technology Security Administration (DTSA); and, the On-site Inspection Agency (OSIA).

12 This document was released as a minority report, meaning that the Democratic members of the subcommittee declined to associate themselves with it. This is an indication of the extent to which this issue recently has become a source of partisan political contention.
proliferation issues became so acute that in late 1996, Congress attached legislation to the 1997 fiscal year Intelligence Authorization Bill that mandated the creation of the high level, bipartisan Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction, renewing this mandate in November 1998 (CWC Bulletin [33] 1993; New York Times, 11/1/98).\textsuperscript{13} This blue-ribbon panel recently issued a highly critical report, concluding that the administration’s nonproliferation efforts were disorganised, and calling on the White House to create a new government-wide proliferation tsar (New York Times 7/9/99). Indeed, even recent administration decisions to strengthen relevant bureaucratic structures at CIA and DOD occurred in the context of intense Congressional criticism following leaks and public allegations – including the very public protest resignation of the NPC’s long-time director – that plans were in the works to reduce the resources and standing of these organisations (Washington Post 4/10/97, 6/26/98).

The Clinton administration for its part has stoutly rejected suggestions that it has downgraded its commitment to proliferation response, insisting that this has been and remains second to none. Most recently, it sought to demonstrate this commitment by creating a separate Nonproliferation Bureau within the State Department (State off. 1999, March).\textsuperscript{14} Moreover, a former senior White House official who served in both the Bush and Clinton administrations explicitly refutes claims to the contrary, insisting, ‘There was absolutely no diminution of efforts to implement the nonproliferation regimes forcefully and effectively in the Clinton administration’ (Poneman int.).

What is to be made of these conflicting accounts? Perhaps the Clinton administration has overstated its commitment. On the other hand, the administration’s critics may be exaggerating its deficiencies. It is even conceivable that both perspectives are valid; that proliferation response has been the administration’s top national security priority, but that at the same time it has put even its highest national security interests behind competing political and economic interests. Whatever the truth of the matter, there is no question that the priority given to proliferation response has dramatically and steadily risen since the mid-1980s. The only difference of opinion is: By precisely how much in recent years? This question seems impossible to resolve definitively in the face of starkly conflicting claims by those in positions to know. At the very least, this controversy suggests that recent US declaratory priorities should not necessarily be accepted at face value.

\textbf{General Doctrine and Policy Initiatives}

The United States did not have any overarching anti-proliferation strategy until the final months of the Bush administration (Fitzgibbon int.). Prior to that,\textsuperscript{13} Attaching legislation not supported by the administration to a major appropriations bill is a common Congressional tactic in order to avoid a presidential veto. The eight commissioners on this panel include such luminaries as former Deputy Defense Secretary and CIA Director John Deutch and two-time former National Security Adviser Brent Scowcroft. Ambassador Robert Gallucci was removed from the panel after re-joining the administration as President Clinton’s special envoy for Russian missile proliferation.\textsuperscript{14} This move was part of plan to implement the Congressionally mandated elimination of ACDA, involving the consolidation of its functions within the State Department effective April 1999. As a result, the former Bureau of Politico-Military Affairs was divided into three organisations, adding separate bureaus for arms control, and nonproliferation.
proliferation response policies were *ad hoc*. However, even in the absence of a cohesive doctrine, there were consistent themes in the policy initiatives of the day.

During the early to mid Reagan period, the main focus was on strengthening national export controls on relevant items. OSD and State led an ongoing effort to push the interagency to adopt systematic nonproliferation export controls. This process continued throughout the 1980s. It culminated in July 1990 (coincidentally just days before Iraq invaded Kuwait) when a target list of 36 countries with projects of proliferation concern was instituted. Even as East–West trade controls were being eased, this list ensured that licences would be required for relevant dual-use exports to countries posing proliferation risks (LeMunyon tst. 1990). In a sense, this represented the juncture at which the main goal of US export controls shifted from strategic trade control to nonproliferation.\(^{15}\)

Parallel to getting its own house in order – and not unrelated, since the Commerce Department as a rule would only go along with new US export controls if other Western countries followed suit ([ACDA] int.) – the Reagan administration early on began to bring sustained bilateral pressure to bear on allies such as Germany to create or tighten relevant national export controls (Perle int.). By the mid-1980s, with these tasks well along, the US focus turned to the more ambitious project of creating and then strengthening a system of multilateral supplier regimes to formalise and harmonise Western nonproliferation export controls ([State] int). This remained the locus of US proliferation response efforts throughout the early 1990s.

Beginning early in the Bush administration, Washington modestly began to expand its conception of proliferation response, tentatively looking beyond traditional supply-side tools. It began to consider the anti-proliferation utility of global non-possession treaties.\(^{16}\) In addition, the Pentagon quietly took steps to counter proliferation militarily. On 18 October 1989, the under-secretaries of defense for policy and acquisition established the DOD-wide Proliferation Countermeasures Working Group, with a mandate to assess and address emerging proliferation threats from a military perspective (Rowen off. 1991, 31 July; Wolfowitz off. 1991, 16 April). The group’s chairman described its purpose as follows:

> We need to start working on how to deal with proliferation we may not be able to control. Because our efforts may not be 100 percent successful, DOD has begun a parallel effort to assess new military threats and promote appropriate military countermeasures to them....The group hopes to learn what specific operational or program changes might be desirable (Sokolski tst. 1990b: 172).

Although this internal DOD initiative did not receive much attention at the time, despite being notified to Congress and reported in the specialised defence

\(^{15}\) However, unlike in the nuclear area, CB/M controls were never embodied as such in identifiable lists. Rather, they were grafted onto the existing strategic trade controls, by adding relevant items to the State Department’s munitions list and the Commerce Department’s dual-use commodities list (Bryen tst. 1989). This remains the case today.

\(^{16}\) That said, the BWC and pending CWC were still primarily seen as serving traditional arms control functions (e.g. addressing Soviet capabilities) rather than playing critical nonproliferation roles (see CW and BW case studies below).
press, it marked the official addition of consequence-mitigation as an explicit element of the US proliferation response. Nonetheless, strengthening supply-side instruments remained at the heart of the US anti-proliferation strategy.

The first public reference to an overall proliferation response strategy was articulated in the 1990 National Security Strategy: 'Our comprehensive approach to this problem includes stringent controls and multilateral cooperation designed to stop the spread of these technologies and components' (Bush off.: 66). Although rather nebulous, this formulation suggests that, even as the United States was stepping up efforts to negotiate the CWC and strengthen the BWC, as well as taking the first steps to introduce military countermeasures, it continued to see supply-side denial tactics as the main pillar of its anti-proliferation strategy.

However, only a year later, a senior official publicly articulated a much wider formulation:

Of necessity, we have a multifaceted approach to non-proliferation. This approach includes vigorous arms control measures, encouraging regional confidence building, export controls, multilateral supplier group efforts, focused intervention in specific cases, and sanctions (Clarke tst. 1991: 82).

The abrupt end of the Cold War, together with the sudden leap in concern about proliferation sparked by the Gulf War, had brought about a swift evolution in US nonproliferation doctrine, embracing a much more expansive approach. In part this involved publicly reorienting and redefining existing East–West activities, such as CBW disarmament and strategic trade controls, to serve this new North–South role. Nonetheless, officials from the State and Defense departments continued to make it clear that denial strategies remained the primary focus of the evolving US nonproliferation strategy. The main goal was to strengthen the existing multilateral supplier regimes as much as possible (at the time explicitly defined as making them more like COCOM, with rigorous restrictions targeting specified proliferants and improving coordination between the supplier regimes) while going beyond these multilateral frameworks using additional unilateral and bilateral measures such as interdiction, sanctions, etc. (Clarke tst. 1991; LeMunyon tst. 1991; Smoldone int.; Sokolski int., tst. 1991; Verville tst. 1990). Indeed, this remains the basic US supply-side strategy. According to one official, unilateral or bilateral measures over and above the requirements of the various multilateral regimes account for probably up to ninety per cent of US nonproliferation activities, with participation in the regimes therefore representing just a small fraction of overall US denial efforts (Smoldone int).

President Bush launched the first sweeping nonproliferation initiative, the Enhanced Proliferation Control Initiative (EPCI), on 13 December 1990.

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17 Regional arms control was sporadically identified during this period, and to a lesser extent subsequently, as a 'demand reduction' component of proliferation response. However, evidence suggests that may have been a case of inventing a nonproliferation function for something that was, and would continue to be, done in any case primarily for other reasons (e.g. regional stability). The most telling indication that this was probably a case of the arms control bureaucracy trying to poach on an emerging priority is that these issues were generally not worked within agencies' nonproliferation offices. Indeed, when regional arms control was actually assigned to the Pentagon's nonproliferation directorate at the beginning of the Clinton administration, it was soon reassigned on the explicit grounds that the issue was not directly relevant to nonproliferation.
was a wholly supply-side venture, comprising a web of regulations under various existing legislative authorities (Clarke tst. 1991; OSD off. 1997b). Its effect was to duplicate the full scope of longstanding regulatory authorities for nuclear nonproliferation in the CB/M areas. In addition to dramatically expanding the number of specific items requiring export licences (i.e. beyond the AG and MTCR lists), EPCI introduced so-called catch-all controls, requiring licenses for any item (i.e. items not on national control lists) known to be destined for a project of proliferation concern. The licensing role of the nonproliferation-minded departments of Defense and State was also expanded, for the first time including them in decisions on all Commerce Department licences deemed to be relevant to proliferation (Clarke tst. 1991). Prohibitions were also enacted against so-called off-shore procurement, allowing the government to deny government and commercial purchases that would provide financial support to proliferation programs (Clarke tst. 1990; McNamara tst. 1995; Smoldone int.; Sokolski tst. 1990b). Finally, the President was given discretionary authority to impose punitive economic sanctions on any foreign supplier or receiver of proliferation-related items, and automatic sanctions were put in place for proliferation-related transfers to Iran, Iraq, and Libya (OSD off. 1997b).

Following the pattern established in the 1980s, and having strengthened its own denial instruments, the United States pressured its Western partners to follow its lead. Even before EPCI was announced, a State Department official told a Congressional hearing:

We believe that such steps need to be taken, but not only to block US exports from going to different countries and projects. They are also needed so the United States can continue to take the lead in building up the existing international consensus to establish such effective controls on a multilateral basis (Verville tst. 1990: 36).

Sure enough, a few months after announcing EPCI the administration reported: 'We have been vigorously seeking to convince other countries to adopt controls comparable to EPCI....We have pursued EPCI through existing multilateral mechanisms and in our bilateral dealings' (Clarke tst. 1991: 89).

The President then announced what was ostensibly a second major supply-side nonproliferation initiative in May 1991, the Arms Control Middle East (ACME) initiative. The White House envisioned a targeted suppliers cartel made up of the five permanent members (P-5) of the Security Council. Its primarily intended purpose was to curb the spread of WMD and missiles to the Middle East, and secondarily to prevent destabilising conventional build-ups (White House, 1991, 21 May). However, the United States was forced to deviate from the President's original vision during the ensuing negotiations. In the event, ACME turned out to have little or nothing to do with nonproliferation. According to an official involved throughout the process, almost as soon as the talks began, their focus shifted to conventional arms transfers rather than WMD and missile proliferation.\(^\text{18}\) Although a set of 'Interim Guidelines Related to Weapons of Mass Destruction' was adopted at the third session in May 1992,

\(^{18}\) In the end no significant progress was made on the conventional arms transfers issue either. The US aggressively pursued a pre-notification agreement. However, China pulled out of the talks following the Bush administration's decision in mid-1992 to approve the sale of advanced military aircraft to Taiwan.
this merely reiterated commitments that all the participants had already undertaken elsewhere, because China was unwilling to go any further on nonproliferation (DOD int.). Ergo, despite US efforts the enterprise never got off the ground as a nonproliferation regime.

In the final year of the Bush administration, having aggressively pursued a wide range of anti-proliferation efforts following the Gulf War, the White House finally moved to craft a comprehensive, formal anti-proliferation strategy. In addition to codifying existing efforts, the White House wanted the United States to propose a grand bargain to recast the nature of Western nonproliferation efforts in the new post-Cold War environment. Specifically, National Security Adviser Brent Scowcroft wanted the United States to propose to agree to dramatically loosen the COMC strategic trade control system, including giving up the US veto, in exchange for agreement by Western countries to abide by stricter rules in the nonproliferation export control regimes. But, according to a former White House official, elements of the deeply entrenched strategic trade bureaucracy successfully blocked this initiative, arguing (incorrectly) that COMC was still needed and not going anywhere. As a result, this official describes the presidential directive that eventually emerged as 'thin gruel' that merely confirmed existing approaches (int.).

President Bush signed National Security Decision Directive-70 (NSDD-70) on 13 July 1992, for the first time laying out a comprehensive set of internal anti-proliferation guidelines. It embraced four basic tenets: 1) the United States would seek to strengthen and broaden existing global norms against proliferation; 2) the United States would seek to focus additional efforts on regions of acute proliferation concern (i.e. Middle East, South Asia, Korean peninsula); 3) the United States would seek to foster the broadest possible multilateral support for [supply-side] prevention efforts; and 4) the United States would use a range of tools to address the problem including political, economic, intelligence, regional security, and export controls (L. Dunn et al. 1992). In other words, Washington would do more of everything that it had already been doing for at least the past year.

A few months and one presidential election later, a new administration set about taking a fresh look at the US proliferation response strategy that it had inherited. Following an intensive interagency review, President Clinton signed Presidential Decision Directive-13 (PDD-13) in September 1993 to supersede NSDD-70 (White House off. 1993, 27 September). Although PDD-13 parted ways with NSDD-70 on a number of specific policy issues, as well on nuances of emphasis, the general theme of the new strategy nevertheless was to do more of more of the same, thereby reaffirming the fundamental tenets of the post-Gulf War status quo so recently codified by its primogenitor. PDD-13 remains the operative guidance for US proliferation response today.

Consistent with PDD-13, the Clinton administration instituted several major policy initiatives. The first and highest profile of these was the Pentagon’s December 1993 counterproliferation initiative, adding a third major approach to the US anti-proliferation quiver. (For some reason this does not appear to have been explicitly addressed in PDD-13 as a pending initiative.) Even before the formal announcement, a senior State Department official had noted that

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19 Presidential directives remain operative until revoked or superseded by another presidential directive.
counterproliferation would play an important role in the overall US response to proliferation (Davis tst. 1993).

This initiative was a natural outgrowth of the direction charted by the prior administration, albeit on a far more ambitious scale. As one study notes, ‘Although the Bush administration...began an exploration of proliferation countermeasures, the Clinton administration has expanded the scope and raised the priority of counterproliferation’ (Pilat & Kirchner 1995: 156). The guiding principle was to apply longstanding Cold War concepts of WMD defence and deterrence to regional conflicts (Carter int.). According to former Deputy Assistant Secretary of Defense Mitchel Wallerstein, the elevation of defence and deterrence strategies to the status of an independent approach to proliferation response was the direct result of the pessimism about all aspects of nonproliferation that had been engendered by the unfolding lessons of Iraq:

> It became clear that Iraq had successfully evaded the provisions of virtually every extant non-proliferation regime....The Administration's response to these lessons was to pursue a two track approach: On the one hand, seek to prevent proliferation wherever possible through bilateral and multilateral diplomacy; and on the other hand, be prepared to deter and defend against states possessing nuclear, chemical and biological weapons and missile delivery systems (tst. 1998: 2).

In announcing the initiative, Secretary of Defense Les Aspin explicitly stated that, while prevention remained the primary goal, the United States had concluded that ‘efforts to prevent, stop, or reverse proliferation may not always succeed’ (as quoted by OSD off. 1997a: 53). Therefore, relying solely on nonproliferation represented an incomplete response to proliferation (Carter int.).

Although it started slowly, the initiative soon gained momentum. Total funding for counterproliferation acquisition for fiscal year 1996 – the second budget following the launch of the initiative – was a staggering $3.8 billion (CWC Bulletin [30] 1995). In early 1995 the new Defense Secretary, William Perry, gave the program a further boost by creating the Counterproliferation Council, to ensure that counterproliferation was treated as a priority by all elements of DOD (Miller tst. 1997). This high-level steering committee, headed by the Deputy Secretary, quickly added $141.5 million over several years to the initiative’s coordinating program, over and above its existing annual budget of just under $110 million (CWC Bulletin [30] 1995). Thus, less than two years after its conception, the counterproliferation initiative was being shepherded at the highest levels within DOD, with a total annual budget of almost $4 billion. As its primary architect notes, ‘Counterproliferation is now established and recognised’ (Carter int.).

Parallel to its own counterproliferation program, Washington aggressively sought to multilateralise the approach, urging its allies to participate in coordinated efforts. Despite marked European reluctance, the January 1994

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20 It should be understood that this did not represent a standing start in expenditure. Many programs that were designated as counterproliferation were simply reoriented versions of programs that had existed before to defend against Soviet capabilities.

21 This relatively modest funding was over and above relevant acquisition programs, which were funded within the budgets of the military services.
NATO Summit acceded at the behest of the United States to establish a high-level NATO committee to coordinate an Alliance military response to proliferation (*CWC Bulletin* [23] 1994). The United States also pushed hard for similar cooperation with non-NATO allies such as Australia and Japan ([DOD] int.).

Another major initiative of the Clinton administration, conducted through quiet, *ad hoc* diplomacy, was to try to add a robust targeted dimension to multilateral supply-side efforts. Specifically, the United States wanted the countries that it identified as rogue states to be subject to the type of draconian Western denial efforts that previously had been reserved for Communist countries. Just months into office, at a meeting with his Western European counterparts, Secretary of State Warren Christopher pushed for a total embargo of dual-use equipment and technology to Iran. He pleaded for a collective policy to contain Iranian WMD and missile programs. Despite a tepid response to this and subsequent proposals along the same lines, the Clinton administration has continued to stringently apply a targeted denial strategy against rogue states, and has relentlessly urged others to do the same.\(^\text{22}\)

A final major initiative of the Clinton period was to reform nonproliferation export controls by narrowing their scope. The goal was to focus on key technologies that were not readily available elsewhere (i.e. choke-points).\(^\text{23}\) The administration announced this plan on 31 March 1994, in connection with the renewal of the Export Administration Act, which was set to expire in a few months (Bowen & Dunn 1996).\(^\text{24}\) This initiative sparked heated controversy, with critics charging that it amounted to loosening nonproliferation controls, presumably in the interests of facilitating foreign trade (US Cong. Senate. 1998). The administration fiercely denied such contentions, responding that its reforms were in fact designed to strengthen the effectiveness of nonproliferation export controls by building higher fences around fewer items. As one senior Commerce Department official explained at the time:

> Our challenge is to identify specific ‘choke point’ items that can be effectively denied....By focusing on items that are truly sensitive and would enable would-be proliferators to make significant advances, we ensure that our scarce licensing and enforcement resources are properly deployed. By narrowing our control lists to choke point items we are more likely to gain meaningful cooperation of our allies in the various nonproliferation regimes. Concentrating our resources in this fashion is most likely to result in actually halting transactions of true importance, which after all is the real objective of our nonproliferation export controls (Eckert tst. 1994: 7).

Former Deputy Assistant Secretary of Defense Wallerstein likewise insists that streamlining export controls was intended to strengthen rather than weaken them, noting that this was a necessary consequence of reorienting strategic trade controls to the nonproliferation mission. He recalls, ‘We had to take a hard look at what was in fact controllable’ (int.). He also points out that

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\(^{22}\) Even critics such as Sokolski (tst. 1996), who have charged the administration with being soft on proliferation generally, have praised these targeted denial efforts.

\(^{23}\) Needless to say, this initiative applied only to US national export controls that went beyond the requirements of the nonproliferation regimes, and so did not effect the various multilateral lists.

\(^{24}\) The Act was not renewed. However, its provisions have been carried forward by executive order.
the reform package resolved a long-standing bureaucratic turf battle between Commerce and the more nonproliferation-minded agencies by establishing a regularised high-level interagency review and appeal process through which any agency could challenge any licensing decision (int; tst. 1998).

SECTION 2: CASE STUDY – CHEMICAL WEAPONS

Relative Priority

Notwithstanding an increase in its public expressions of concern, especially after 1988, CW nonproliferation represented an extremely low priority for the United States throughout the 1980s. Although it was seen as a more plausible potential threat than BW proliferation, it remained a lower priority than the nuclear and nuclear missile areas, receiving virtually no attention at senior levels. By and large, to the extent that senior policy makers worried about CW at all, their overwhelming focus remained Soviet capabilities (Harris 1992; McNamara int.; Perle int.).

The first public expression of any official concern about CW proliferation did not occur until 1984. This was sparked by Congressional hearings on Iraq’s use of CW against Iran. Although the only high-level official to appear at these hearings expressed concern about CW proliferation as a potential problem, he took pains to stress that this was a personal rather than official assessment:

Attention has been focused on the nuclear issue for a number of years, and that is understandable. But when I look at the remainder of this century and what kind of threats there are to security around the world, I personally put the threat of a nuclear war low, very low. I personally put the increasing use of chemical weapons around the world high (Alderman tst.: 34).

Defense Department officials at the same hearings focused on the potential tactical utility of CW, as opposed to its threat as a mass destruction weapon (Feith tst.; Hoeber tst.).

The burst of attention spurred by Iraq’s violation of the 1925 Geneva Protocol’s ban on using CW was brief. It had made CW proliferation a recognised policy issue within the bureaucracy, but most of the attention remained on the Soviet threat. Indeed, almost total disregard for the proliferation dimension remained the rule at senior levels until at least 1988 (Hinds int.).

This inattention was shattered in 1988–89 by a combination of factors. First came nearly simultaneous public revelations in the summer of 1988 (the final months of the Reagan administration) that Iraq had used CW against Kurdish civilians at Halajba, and that Libya’s nascent CW program was much

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25 An intelligence analyst who worked on CW issues in the mid-1980s offers an anecdotal illustration of the dominance of this East–West focus. He relates how in the mid-1980s, he forwarded a report for on the subject of Western assistance to CW programs in Iraq and Burma, only to have rejected by his superiors as irrelevant because it had no bearing on Soviet capabilities (int.).

26 This threat was portrayed as especially high in regions such as the Middle East, where the combination of heat and lack of water for decontamination would make the need to don protective gear a serious tactical liability, degrading personnel performance by approximately fifty per cent (Hoeber tst. 1984). This presumably in part explains DOD’s interest in being able to threaten retaliation in kind (i.e. ensuring an enemy is equally degraded), even putting aside any deterrent imperative.
further along than previously known and, worse still, was continuing to benefit from Western assistance. In response to media reports on these issues, the State Department publicly promised 'vigorous action' to thwart CW proliferation in the Third World (Washington Post 9/15/88). Making good on this promise, a subsequent presidential initiative led to a conference of the world's foreign ministers several months later in Paris to discuss the issues of CW proliferation and use. This was followed by the inauguration of a new President who cared deeply about the CW threat generally. In the first years of the Bush administration, Congress held a spate of hearings, and senior officials publicly expressed concern about CW proliferation (Bartholomew tst. 1989a; Burns 1989a, 1989b; Holmes 1989b, 1989c; Webster tst. 1989a, 1989b).

Following the 1990 Gulf crisis, this budding awareness and sense of alarm bloomed into a perceived national security priority. One of many Congressional reports issued after the Gulf War aptly captures this mood of intense alarm, noting: 'The number of countries confirmed or suspected of having offensive chemical weapons programs is roughly double the figure of 10 years and triple that of 20 years ago' (US Cong. House. 1993: 12). It goes on to note that even as the longstanding Soviet CW threat had eased:

The United States is presented with a chemical threat...that has decreased in magnitude in the absolute sense of quantities of weapons that might be employed, but has increased in potential diversity and frequency with which such weapons might be encountered (35).

In the immediate aftermath of the collapse of the Soviet Union, the 'loose nukes' problem meant that nuclear proliferation took first priority (Davis tst. 1993; Gallucci int.). But by 1994, former Assistant Secretary of State Thomas McNamara (int.) recalls that he considered proliferation in the CW area as a higher priority than even the nuclear area. While not all officials would necessarily agree with this exact prioritisation, there is no doubt that since the mid-1990s CW proliferation has represented been a significant concern.

**Capability-denial**

**National Export Controls**

The United States has consistently applied relatively strict export controls on CW-related items over the past two decades. These have evolved primarily as unilateral measures, with an admixture of national implementation of multilateral arrangements (i.e. AG rules). The United States first imposed export controls on three dual-use precursor chemicals in the early 1960s as part of its system of strategic trade controls. The first nonproliferation controls as such were instituted in March 1984 in response to Iraqi CW use. These foreign policy controls were applied to the export of the three chemicals already controlled, plus an additional five precursors, to either Iraq or Iran (Burck & Flowerree 1991; Adelman tst. 1984; Olmer tst. 1984). These very limited, targeted controls were modestly expanded in June 1986, soon after the beginning of the process that became known as the AG, to include exports of these same eight precursors to Syria, on the basis of intelligence that Syria was assisting Iran's

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27 Which is not to say that George Bush was not focused mainly on the Soviet dimension. However, having a President who worried about CW tended to elevate the attention given to all aspects of the problem.
CW program and pursuing one of its own (New York Times 6/6/86). This left Washington controlling more than the AG’s five Core List chemicals, but unlike some other AG countries, only applying these controls to a very limited number of destinations.\(^{28}\) It therefore controlled more items to fewer destinations than some other AG partners during this period.

In the final two years of the Reagan administration, the United States moved to apply CW-related export controls nearly universally (with an exemption for exports to AG countries.) By this time the AG list had caught up with US national controls. US implementation went beyond AG requirements, however, in that as a matter of national policy the United States automatically denied all export licence applications to the following countries: Iran, Iraq, Syria, Libya, Cuba, Vietnam, Cambodia, and North Korea (LeMunyon tst. 1989a). In other words, the US implemented targeted controls beyond AG requirements. As a retiring senior Commerce Department official testified at the close of the Reagan administration: ‘The US currently maintains much stricter controls on these chemicals than the rest of the Australia Group’ (Freedenberg tst. 1989). Moreover, most agencies had wanted to go even further, but were thwarted by the Commerce Department, which generally opposed expanding the scope of dual-use nonproliferation export controls, particularly on a unilateral basis ([ACDA] int.).

Incited by revelations of Iraqi use of CW against its own Kurdish population, and about Libya’s CW program, the incoming Bush administration moved to further strengthen CW-related export controls within days of taking office. This once again served to move US controls well beyond AG parameters. Whereas the AG only specified controls on nine chemicals, in February 1989 the United States imposed controls on a total of eleven precursors to all destinations (except AG countries), and an additional 29 precursors to more than a dozen specified destinations.\(^{29}\) The policy of automatic denial to specified destinations was extended to all forty of these. At the same time implementation was strengthened by assigning interagency licensing deliberations for the first time to a dedicated CBW nonproliferation group, rather than East–West oriented strategic trade control processes (Bartholomew tst. 1989a; Holmes tst. 1989b, 1989c).

The Bush administration further strengthened CW-related export controls in early 1990. Mandatory controls were applied to twelve additional chemicals for exports to Libya, Iran, Iraq and Syria, bringing the total to fifty for these sensitive destinations (Clarke tst. 1990). Washington at this juncture controlled more items than the AG required for all non-AG destinations, and more than five times as many items for targeted destinations, the latter also being subject to a blanket policy of automatic denial.

As part of the EPCI initiative announced in late 1990 following Iraq’s invasion of Kuwait, the United States extended export controls on all fifty chemicals controlled to sensitive destinations to all non-AG destinations. It also placed restrictions on US firms’ involvement in the development or construction of any chemical plant manufacturing any of these chemicals in any non-AG country. Finally, it added new controls on dual-use production equipment to 28

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\(^{28}\) The AG’s Core List comprised all items subject to export controls.

\(^{29}\) Cambodia, Cuba, Iran, Iraq, Libya, North Korea, Syria, Vietnam, and all COCOM proscribed destinations.
destinations. And of course EPC1's catch-all provisions explicitly applied to virtually any export to a project of proliferation concern (Clarke tst. 1991; LeMunyon tst. 1991). At the time these sweeping new restrictions went into effect on 13 March 1991, the AG Core List provided for controls on just thirteen chemicals. Thus, in early 1991 the United States controlled nearly four times the number of chemicals to all non-AG destinations, plus equipment and other forms of assistance not covered by the AG.

AG controls essentially caught up with US export controls by the end of 1991. US national controls and the AG Core List subsequently have remained roughly in balance, although in mid-1997 the US expanded its national controls to include additional dual-use equipment not covered by the AG (Disarmament Diplomacy [17] 1997). In addition, the AG still does not require catch-all controls.

Multilateral Export Control Regime: Australia Group

The United States has been far and away the most active proponent of robust CW-related export controls over the past two decades. Washington first proposed a multilateral ban on exporting CW and 'all analogous liquids' during the negotiations that led to the 1925 Geneva Protocol, but was unable to garner sufficient international support for the concept (Burck & Flowerree 1991; Thomas & Thomas 1970).30 There the matter of multilateral CW-related export controls rested, both for the United States and the international community generally, until the United Nations Secretary General in 1984 issued a report concluding that Iraq had used poison gas against Iranian troops. In response, Washington imposed controls on exports of five precursor chemicals to Iraq and Iran, and urged other industrialised countries to do likewise (Alderman tst. 1984; Olmer tst. 1984). Most Western countries quickly heeded the American call. This modest, pragmatic initiative represented the first attempt to multilateralise chemical export controls in the Cold War era. It also marked genesis of the first nonproliferation suppliers regime outside the nuclear area, the Australia Group.

What happened next is a subject of some contention. In June 1985, Australia hosted a meeting of the Western countries that had already implemented export controls in response to Iraqi use, in order to try to harmonise these national efforts. The Department of Foreign Affairs (DFA) official responsible maintains that, although Washington had been considering similar initiatives, and was consulted before Australia took any action, the idea for this specific meeting originated in Canberra (Walker int.).31 Another Australian official corroborates that this was how the initiative was characterised to other Australian agencies (int.).

However, there is some circumstantial evidence to suggest that the initiative actually may have been suggested by American officials. One DFA official involved recounts that there were certainly rumours to this effect at the time (int.). A US official specifically recalls being told that US officials had informally approached Australian officials to ask them to undertake such an initiative. According to this official, Washington calculated that Australia's

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30 For unclear reasons, the US blocked a similar proposal at another conference seven years later.
31 This official notes that it was widely assumed among Western European participants at the time that Canberra was fronting for Washington.
experience in World War I would give it both the interest and the moral leadership to get the job done ([ACDA] int.). (The clear implication is that Washington thought that the idea would be less likely to get a receptive hearing from some countries if it was seen as a US initiative.) At least one published account refers to declassified US documents that appear to support the notion that it was Washington that approached Australia, rather than vice versa (Findlay 1993).  

Whether or not the Australian initiative per se emanated from Washington, there is no doubt that the United States had been considering the idea well beforehand. In June 1984, a full year before the meeting called by Australia, a top US official testified that the Reagan administration planned to pursue the following new steps to combat CW proliferation:

Greater cooperation among countries, especially in the West, who have chemical industries in order to share export controls...and to also share information....There can be consultations and intelligence sharing, and anticipation of the kind of problems that we could have in the future and how to deal with them (Adelman tst. 1984: 35).

There is also no doubt that, when Australia formally approached the United States bilaterally to propose calling a meeting to coordinate export controls among suppliers, it received Washington’s enthusiastic backing (Walker int.).

Even before the first meeting the United States worked actively to nurture what was to become the Australia Group. That said, US policy makers initially did not envision a global regime, but rather a narrower mechanism to target the belligerents in the Iraq-Iran War (Feith int.). However, the interagency gradually came to the view that the emerging regime could be used to target CW proliferation on a broader scale.

From the very first meeting, the United States worked to widen the scope and deepen the institutional structure of the process. The United States pushed hard for all of the precursors that it controlled to be included on a harmonised list, and worked to ensure that the regime-building process did not end there. At three subsequent meetings over the next few years, the United States pressed to add additional chemicals to what became known as the Core List (items requiring export controls), to create what became known as the Warning List of less sensitive chemicals (not subject to automatic licensing requirements), and to regularise meetings. However, the United States resisted suggestions by Australia and others that membership should be widened to include Third World states, fearing that this would erode the Group’s cohesiveness as a cartel of like-minded suppliers (Walker int.).

Notwithstanding its activist role during this early period, the United States had not pressed as hard to expand the scope of coverage as Defense, State and ACDA had wanted. This was due to resistance by the Commerce Department bureaucracy to creating additional dual-use export controls ([ACDA] int.). But the Commerce bureaucracy was forced to relent under an onslaught of publicity about CW proliferation beginning in mid-1988. For the first time, policy decisions on AG issues began to attract the attention of more

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32 For exact reference see p. 13, footnote 19. The author notes that he did not have access to these documents himself, but was informed of their existence by a reputable colleague.
senior policy makers. Under these circumstances, Commerce essentially agreed to go along with any new AG controls, although it continued to resist new unilateral measures ([ACDA] int.). Defense, State and ACDA therefore had free reign to push as hard as possible to strengthen the regime, particularly with the advent of the Bush administration.

Following almost two years of German and Japanese refusal to agree to broaden the Core List, US press leaks in January 1989 revealed that German and Japanese companies were assisting Libya's CW program. AG countries widely assumed this had been a deliberate US tactic to pressure these governments to go along with strengthening the AG (int). Intentional or not, the result was achieved. AG partners agreed in May 1989 to expand the Core List to nine precursors, and the Warning List to 44 additional chemicals (ACDA off. 1997b). Partners also agreed to US proposals to share information on licence denials, and to pledge not to undercut one another's denials. The United States also began to sound out the prospects for getting partners' support for steps to make the regime less ad hoc, for example establishing a permanent secretariat, and making decisions politically binding on members (Bartholomew tst. 1989).

At the following meeting in June 1990, the United States successfully sought to expand the Core List to ten precursors, to expand the Warning List to fifty chemicals, and for the first time to add dual-use production equipment to the Warning List. Additionally, it succeeded in having notification guidelines expanded to include licence approvals (ACDA off. 1997b; Clarke tst. 1990).

Iraq's invasion of Kuwait in August 1990 was a watershed in US efforts to strengthen the AG. Since then, there has been uniform agreement in the famously fractured interagency process – especially discordant in the nonproliferation, export control, and arms control spheres – on the need to build and maintain as robust an AG as possible. Indeed, according to virtually all interview subjects, this has been among the least contentious issues in the relevant interagency processes. Moreover, particularly in the immediate aftermath of the Gulf War, the issue for the first time attracted the interest of top administration officials and influential figure members of Congress.

US efforts to strengthen the AG reached fever pitch in the immediate aftermath of Iraq's invasion. At the December 1990 plenary meeting, the United States pushed the AG to adopt controls analogous to its new EPCI regulations. In effect, the United States was asking the Group to subsume the entire Warning List (including equipment items) into the Core List, as well as to add catch-all controls (Clarke tst. 1991). An Australian official who worked closely with the United States on behalf of the AG Chairman confirms that the United States brought intense and sustained pressure to bear on partners who resisted these stalwart reforms ([DFAT] int.).

The United States did not get its way immediately. For example, the December 1990 meeting saw agreement on only a modest addition of three new chemicals to the Core List, bringing the total to thirteen. However, by the December 1991 meeting, after a year of intense bilateral and multilateral activity, the Core List had indeed grown to fifty chemicals plus dual-use

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33 This official source (Bartholomew tst. 1989) indicates that the no-undercut proposal was accepted. However, another official source (ACDA 1997b) indicates that the AG did not adopt a no-undercut rule until 1993. It may be that a more informal understanding was approved in 1989.
equipment. Several months later four more chemicals were added, representing the last major addition to date (ACDA 1997b). A mid-level State Department official directly involved at the time makes clear that the dramatic development of the AG in the early 1990s in very large measure was the driven by US policy initiatives (int.). As another US participant recalls, the United States had achieved virtually everything it set out to do in the two years following the Gulf War, and Washington was extremely pleased with the outcome (Donadio int.). Since this burst of post-Gulf War expansion, the United States has viewed the scope of AG controls to be mature, satisfied that all relevant items are covered ([State] int.). Again, this perspective is for the most part shared by all the various agencies, and so there has not been any serious interagency disagreement in recent years on the structure and operation of the regime (Donadio int.; Fitzgibbon int.; Rybka int.; Smoldone int.; Wallerstein int.).

Even as it laboured to strengthen the AG after the Gulf War, the United States was forced to fight a simultaneous rearguard action not only to maintain these gains, but to preserve the very existence of the regime. As the CWC negotiations in the Conference on Disarmament (CD) entered the crucial endgame phase beginning around 1991, many non-aligned movement (NAM) states became more insistent in questioning the need for the AG once the CWC was completed. What claim to legitimacy did an insular, self-appointed club of states have to continue to target CWC parties with discriminatory controls? Some CD members, for example Iran, threatened to build a coalition against the CWC unless Western countries agreed to disband the AG, or at least severely curtail its activities vis-à-vis CWC members. Faced with the prospect of the CWC negotiations unravelling, some AG partners were inclined to capitulate on the key issue of whether the AG had an indefinite future, or to at least compromise significantly on its future structure and operations (Donadio int.). By contrast, Washington never seriously even considered the option of compromising the AG to secure the CWC.

US negotiators had been alert to the prospect that the CWC could undermine capability-denial efforts from the very beginning. Article X, providing for technical cooperation and assistance among States Parties was a source of particular concern, the fear being that this could impose legal obligations on suppliers to assist dual-use programs in developing countries. Therefore, the United States had taken the lead during the CWC negotiations to resist anything but extremely weak assistance and cooperation provisions (Nelson int.). As one key official recalls, ‘We would not have agreed to a Convention that would have had a “poisons for peace” provision; just wouldn’t have happened. And naturally, as we now know, the Senate would not have ratified such a Convention’ ([State] int.). As for the related AG issue – short of technology entitlements, at least eliminating or curtailing AG restrictions – the Pentagon had anticipated pressure along these lines once the CWC negotiations began to show progress in the late 1980s. Consequently, long before the issue had surfaced as a serious point of contention in the Geneva negotiations, Defense successfully made the case in the interagency that the United States would have to be prepared to fight aggressively any attempt to trade the AG for the CWC (Fitzgibbon int.; Rostow int.). According to an ACDA official intimately involved in interagency deliberations at the time, there was never any dispute on this point (int.). Thus, when the issue surfaced during the CWC endgame, there was already a longstanding interagency consensus on how the United States should respond. All agencies agreed that, in seeking to
conclude the CWC, the United States should not agree to narrow or relax AG controls ([OSD] int.; Donadio int.; Mahley int.). In addition to repeatedly reaffirming this position, both at AG meetings and in the Geneva negotiations, the United States brought sustained bilateral pressure to bear on wavering AG countries to shore up their resolve to hold firm (Donadio int.). Indeed, the ACDA official directly in charge of coordinating interagency policy for the CWC negotiations at the time confirms in no uncertain terms that Washington had been fully prepared to let the CWC negotiations reach an impasse rather than accede to non-aligned countries’ demands regarding the Australia Group (Mahley int.).

In the event it did not come to an impasse. The quarrel between the NAM and AG countries was nimbly side-stepped, if not resolved, albeit in a way not entirely to Washington’s liking. This was accomplished through a statement read into the record at the Geneva negotiations on 6 August 1992 by the Australian ambassador, speaking on behalf of the AG members collectively. It appeared to promise that AG controls would be eliminated or relaxed for CWC parties, but on close reading, and as interpreted by Washington, promised no such thing.

As far as many US officials were concerned, this tactic was problematic, coming too near to casting the future of the AG in doubt. Indeed, it seems highly doubtful that Washington would have gone along with the so-called O’Sullivan Statement but for the fact that it had been skillfully manoeuvred by one of its own diplomats into a position where it was given little choice.

The genesis of the O’Sullivan Statement still touches a raw nerve among many of those who were involved at the time on the Washington. A former top member of the US Delegation concedes that the Statement was conceived entirely by negotiators in Geneva. This initiative was led by US Ambassador Stephen J. Ledogar and his Australian counterpart, Paul O’Sullivan, but without Washington’s authorisation or knowledge (int.). The ambassadors took the brash step of negotiating without a mandate from their governments out of concern that the AG controversy, and in particular the intransigent US position, would derail the CWC negotiations at a crucial juncture. Having finalised a draft among themselves, the Geneva delegations of the AG members sent this to their respective capitals as an agreed text. Moreover, they did so on a take-it-or-leave-it basis.

The Australian Delegation is rumoured to have tipped off someone in Washington, through unofficial channels, about these machinations in Geneva. But otherwise all of the relevant agencies, including ACDA (which had the interagency lead on CWC), had been kept completely in the dark (Mahley int.). The agreed text, when it landed, caught the interagency utterly by utter surprise.

Ambassador Ledogar argued that the Statement was consistent with US policy because it had been carefully worded so as not to put the AG in any real jeopardy. However, the entire interagency was unhappy with the formula, since it certainly conveyed the impression that the status of the AG would be put on the table at some future date. Even ACDA, which had the highest stake in successfully completing the CWC, was wary that the O’Sullivan Statement went

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34 The inference seems to be that the White House was warned, but kept this information to itself. In any case, if someone in Washington was alerted, it was not by the US Delegation.
too far (Mahley int.). The Pentagon in particular was up in arms. Former Deputy Assistant Secretary of Defense William Inglee recalls:

"The problem with it to me was that it was disingenuous bordering upon dishonest. I really felt it was contriving to create a rationale for doing something that I felt was very harmful...to give [CWC] signatories a blank check on export control regulations, or to lead them to believe that that would be the outcome (int.)."

However, in reality, Washington had been left with no viable option but to go along with the strategy. Because the US ambassador had already given his agreement to the other AG delegations *ad referendum*, and furthermore had ruled out any modifications as part of this agreement, the interagency concluded that it had been handed what amounted to a *fait accompli*. A mid-level State Department official recalls:

"The O'Sullivan Statement was put together by...the Australian CD Representative, and worked on by the Geneva delegations of the AG countries, and at the last minute foisted upon their capitals as a take it or leave it proposition. And so we basically took it...but a lot of people back in Washington...were not exactly pleased with the evolution of that statement (int.)."

Defense fought the issue at the highest levels, but in the end was forced to concede that it would be impractical to attempt to walk back from something that had already been circulated so widely (Inglee int.).

Having reluctantly gone along with the O'Sullivan Statement – and it having accomplished what it was supposed to accomplish (i.e. dodging the dispute long enough to wrap up the CWC negotiations) – Washington cleaved to a minimalist interpretation of the commitment therein implied. As far as the United States was concerned, the AG countries had merely agreed to review their export control practices. Having done so, and finding nothing inconsistent with the CWC, Washington considered the matter to be closed. Since then, there has been unwavering agreement among agencies that a robust AG will be needed indefinitely irrespective of the disposition of the CWC (Fitzgibbon int.; Mahley int.; Smaldone int.; [State] int.; Wallerstein int.) This consensus that the AG needed to be maintained and strengthened was formalised by presidential directive within days of the completion of CWC negotiations, and again the following year. Finally, the US Senate cemented this policy into law, by making it an explicit condition of its consent to ratify the CWC (US Cong. Senate. 1997, 24 April). Moreover, the Clinton administration made no effort to oppose this condition, since it was consistent with the President’s standing guidance (Wallerstein int.).

Far from contemplating scaling back or eliminating the AG now that the CWC has entered into force, the United States presently sees this as an opportunity to expand the scope of its activities. A mid-level State Department official (int.) familiar with current interagency deliberations notes that, inasmuch as the CWC is now up and running, the United States believes that the AG can afford to abandon its ‘defensive crouch’ of recent years. Consequently, the United States wants to see the group become more outwardly looking. Specifically, it plans to push the AG to move beyond just controlling exports by its members, and to begin as a regime to undertake efforts to curtail transfers
between non-members (i.e. a corporate interdiction program).

Wider Export Control Norms

Washington has worked almost from the advent of the Australia Group to promote wider application of CW-related export controls. In November 1985, just months after the inaugural AG meeting, the United States initiated a regular bilateral mechanism with the USSR to persuade Moscow to implement CW-related export controls, and to work with Washington to encourage others to do the same (Gordon tst. 1990). This process yielded a joint statement at the June 1988 Reagan–Gorbachev summit calling on all countries capable of producing CW-relevant chemicals to institute stringent export controls in order to prevent CW proliferation (CWC Bulletin [2] 1988).

Following Iraq’s use of poison gas against the Kurds, President Reagan called for a meeting of the world’s foreign ministers to reaffirm support for the 1925 Geneva Protocol’s prohibition on CW use. However, the real US purpose was to use this conference as a venue to promote global support for CW export controls. The conference took place in Paris in January 1989, serving as the multilateral debut for incoming Secretary of State James Baker III. Although the United States pushed hard for the conference to call for countries to institute controls on relevant exports, this initiative was blocked by a number of developing countries. In the end, Washington had to settle for a vague statement endorsing restraint in matters relevant to the subject of the conference, but with no explicit reference to CW-related transfers (Burck & Flowerree 1991). This was a far cry from the broad multilateral pledge to support export controls that Washington had envisioned when it had called for the conference.

The United States had no intention of allowing the matter rest with this failure. It immediately set about organising a follow-up meeting, which would have promoting export controls as an explicit goal. Since Australia was the permanent chair of the Australia Group, it was seen as a natural host. Secretary Baker therefore telephoned his Australian counterpart to ask him to sponsor a high-level meeting of governments and representatives of their chemical industries (Evans int.). A major US goal for inviting the latter was ‘enabling the chemical industry to contribute to...helping us to better control the burgeoning trade in CW precursors and technology’ (Holmes tst. 1989b: 13). Indeed, senior US officials indicated that, although other issues such as the CWC negotiations might also be addressed, the US saw promoting export controls as the primary objective. For example, a senior State Department official testified several months beforehand:

We believe that this will be an excellent opportunity to involve industry and governments worldwide in the common effort to control the trade in chemical weapons precursors, as well as to gain industry support for the Geneva negotiations on a CW ban. We hope that the Conference will focus particularly on government and industry cooperative efforts to control the movement of precursors in international commerce (Bartholomew tst. 1989a: 16).

A senior Commerce Department official identified similar priorities:

The idea for this conference came from the United States,
and I think its the best hope we have for beginning to effectively control the means to produce chemical weapons. Perhaps the most important goal of this type of multilateral conference would be better enforcement coordination (Freedenberg tst. 1989: 155).

However, US efforts to use the conference to promote wider export control norms were thwarted, this time not by developing countries, but by none other than the Australian hosts (see Chapter 5). The agenda of the Government–Industry Conference Against Chemical Weapons, held in Canberra in September 1989, in the event was limited exclusively to fostering support for the CWC negotiations. The most that the United States was able to do was to urge in its national statement: ‘Those who have not yet implemented export controls with teeth, should do so’ (Clarke off. 1989b: 409).

In the wake of these successive high-profile failures to forge broad multilateral adherence to CW-related export controls, the United States set out to bolster the role of the emerging CWC in this regard. In August 1991, the United States introduced draft treaty language requiring CWC members to limit exports of scheduled chemicals, equipment and technology to non-members through export controls (CWC Bulletin [13] 1991). Although this proposal excluded intra-party transfers, it nevertheless succeeded in establishing a broad multilateral obligation to establish national export control systems. Additionally, Washington continued to promote wider adherence to AG norms through bilateral means. Deputy Assistant Secretary of State Elizebeth Verville toured former Warsaw Pact countries in the summer of 1991 to urge them to adhere to Australia Group rules unilaterally (Clarke tst. 1991). As a carrot, Washington agreed to relax its CBW-related export restrictions to some of these countries, once they had export controls in place (LeMunyon tst. 1991). The following year, the United States began to provide funds under the Cooperative Threat Reduction (CTR) program to assist Russia, Ukraine, Belarus and Kazakhstan to develop effective export control systems, including explicitly in the CBW areas (Duffy tst. 1994; Eckert tst. 1994; State off. 1999). Washington also pressed China to implement CW export controls, although it was unable to secure a satisfactory commitment from Beijing until 1998 (CBW Conventions Bulletin [41] 1998).

National Enforcement Mechanisms

The US commitment to supply-side nonproliferation is most vividly demonstrated by the energy that it has expended to enforce export control norms. As in all of the proliferation areas, this commitment to enforcement begins with its own CW-relevant dual-use exports, in the form of longstanding programs run by the State and Commerce departments to verify the end-use of items that have been exported subject to end-use assurances. However, most US enforcement efforts target transfers by other countries. Australia Group norms, as well as the blanket non-assistance obligation incorporated in the CWC, provide the general framework for these efforts. However, Washington has had no compunction about taking action against transfers from or to

35 These efforts have been supplemented on a smaller scale by the State Department’s Nonproliferation Fund, which unlike the CTR program has a global focus (State off. 1999).
36 That said, Clarke and Johnston (1999) note that US implementation of pre-licensing checks and post-shipment verifications have and continue to be in practice too lax to deter diversion and retransfers of dual-use exports.
countries that are not members of these regimes, and/or involving items not covered by them.

Washington began to interdict chemical transfers to countries of proliferation concern in the mid-1980s ([ACDA] int.). According to a State Department official, this was done through ‘official demarches regarding detailed information we have received and specific action we expect to be taken’ (Harrison tst. 1989). Such demarches were delivered through diplomatic channels and in face-to-face bilateral meetings. In 1989 a top official testified that these demarches over the previous few years had made a significant material impact on the number of companies assisting CW proliferators (Burns tst. 1989a). The most concerted such effort during the Reagan period targeted transfers to Libya’s Rabta plant. Beginning in late 1988, Secretary of State George Shultz sent personal envoys to pressure the governments of countries with companies assisting the Rabta project to cut off any and all further assistance (Holmes tst. 1989b; Webster tst. 1989a).

One of the first nonproliferation initiatives of the Bush administration was to regularise such ad hoc efforts by creating an interagency group to coordinate CBW interdiction:

The group monitors intelligence, coordinates proposed demarches, and provides a centralized mechanism for obtaining clearance to downgrade and release intelligence information [to other countries] and ensure necessary follow up (Bartholomew tst. 1989a: 13–14).

SHIELD (originally known as Operation Shield) systematically identified problematic commercial activities on an ongoing basis to raise with both AG and non-AG governments. In cases involving non-AG members, Washington often tried to get other AG countries to support its efforts by undertaking their own parallel demarches (Donadio int.) Since the SHIELD group was formed the United States has sent out approximately 80–130 demarches annually through regular diplomatic channels (not counting bilateral meetings) regarding specific CBW-related transfers, or up to more than ten interdiction demarches per month ([State] int.). In 1991, a senior official testified:

Our [United States Government] USG interdiction groups for CBW...have...proven effective. These groups seek to identify illicit proliferation-related shipments and stop them through cooperation with foreign governments. We have succeeded in a number of cases (Clarke tst. 1991: 93).

Interdiction efforts continued under the Clinton administration. It focused particular attention on problematic Chinese exports. Former Assistant Secretary of State Robert Gallucci (int.) recalls repeatedly raising concerns about specific transfers during his meetings with Chinese officials. Indeed, interdiction issues were raised with the Chinese even at the presidential level (Davis tst. 1996). Former Deputy Assistant Secretary of Defense Mitchel Wallerstein (int.) indicates that bilateral efforts to stop ongoing Chinese transfers of pertinent equipment and materials constituted the single key focus of the Clinton administration’s CW nonproliferation policy until at least 1996. He recalls, ‘They saw the export of chemical precursors or the export of chemical equipment...as a way of earning foreign exchange, end of story.’ Moreover, he recollects that Washington did not receive very much help from its AG partners in responding to this problem:
There were attempts at coordinating demarches. I was never convinced that many other countries were approaching China with the degree of seriousness and perspicacity that was needed for China really to get the message.

A mid-level State Department official confirms that the United States has had to go it alone in its interdiction efforts. He notes that, although some AG partners do undertake outreach to explain the regime to non-members, they have provided very little help interdicting transfers by non-members (int.).

CW-related interdiction efforts have largely been confined to demarches and other diplomatic tools. However, early in the Clinton administration the United States flirted with a more muscular approach. In the late summer of 1993, the US military for nearly three weeks shadowed the Chinese cargo ship Yin He, suspected of carrying CW-related chemicals to Iran. China refused to permit the US Navy to conduct a search on the high seas. However, under intense diplomatic pressure from Washington, China consented to divert the ship to Saudi Arabia to be inspected. When the search turned up nothing, China demanded a public apology, monetary compensation, and a pledge that no similar incidents would occur again. Washington rejected all of these demands (Washington Post 9/5/93), but has never again employed this tactic.

Beginning in the early 1990s the United States supplemented its interdiction program with unilateral CBW nonproliferation sanctions tied to the proliferation behaviour of foreign firms and governments. Such sanctions had first been proposed by a presidential commission in 1985, although the recommendation was not taken up (Webster tst. 1989a). However, beginning in late 1988 Congress began considering a flurry of CBW sanctions bills, which attracted bipartisan support. The new Bush administration took an equivocal position on these legislative initiatives. On the one hand, it strongly supported giving the President the authority to sanction foreign firms for providing CBW-related assistance to proliferators. For example, CIA Director William Webster testified in February 1989:

Legislation authorizing the President to impose sanctions on...companies which contribute to CBW proliferation, would address an inadequacy in existing law and would be an important step to deter the proliferation...of CBW (1989a: 25).

At the same time, the administration felt that such sanctions should not be automatic, since this would infringe on the President's flexibility to conduct foreign policy (Bartholomew tst. 1989a; Executive Office of the President off. 1989, 28 June, 14 November; Webster tst. 1989a).

The administration negotiated with Congress on different versions of sanctions legislation throughout 1989 and 1990. Ultimately, sanctions advocates in Congress felt that the administration was seeking too much flexibility. They therefore used a common Congressional tactic for avoiding a Presidential veto, by attaching sanctions legislation to a bill that the administration would be loath to veto, in this case the November 1990 extension of the Export Administration Act of 1979. However, the President outmanoeuvred Congress by vetoing the bill, but then extending its provisions by executive order. The only difference between the vetoed legislation and the simultaneous executive order was that the CBW sanctions provisions provided
greater Presidential discretion (Congressional Research Service [CRS] off. 1991). In a sop to Congress, however, the executive order provided automatic sanctions for transfers to Iran, Iraq and Libya (OSD off. 1997b).

Less than a year later, Congress reintroduced legislation requiring automatic sanctions on CBW-transfers to all state sponsors of terrorism in the Chemical and Biological Weapons Control and Warfare Elimination Act. This time, President Bush did not use the veto, and mandatory CBW sanctions became law on 28 October 1991 (CRS off. 1997; OSD off. 1997b). According to an official involved at very senior levels, while the White House had formally opposed automatic sanctions as a matter of constitutional principle, the State Department and other agencies had viewed automatic sanctions as a useful tool (int.). Another official involved at the time recalls that the working-level bureaucracy had no objections to automatic sanctions ([ACDA] int.).

US CBW sanctions are not explicitly tied to the AG, but rather apply the standards set by US national export controls (CRS off. 1997; OSD off. 1997b). However, the United States sought unsuccessfully to have the AG adopt a similar multilateral measure. When this failed, it resorted to urging AG governments to adopt comparable sanctions on a national basis ([DFAT] int.).

US CBW sanctions apply only to transfers to countries that are deemed to have used or prepared to use CBW since 1 January 1980. and to all of the countries on the State Department’s list of state sponsors of terrorism. There is no exemption for entities from AG or CWC member countries, and in fact actions that are allowable under these instruments nonetheless may be subject to sanctions (e.g. Schedule 1 transfers among certain CWC parties) ([State] int.; [ACDA] int.). However, the President can waive sanctions if the government of jurisdiction undertakes specific and effective enforcement actions to prevent or punish the sanctionable activity. A sanctioned entity is barred from exporting to the United States for at least a year, and thereafter until the President certifies that it is no longer aiding or abetting foreign CBW programs, or that providing a waiver is in the national security interests of the United States (CRS off. 1997; OSD off. 1997b).

Responsibility for identifying potentially sanctionable activity has been assigned to the existing interagency interdiction group since the mandatory sanctions law came into effect (Clarke tsl. 1991). Presidential authority to make sanctions determinations was devolved formally to the cognisant under secretary of state. The law has been invoked on a number of occasions in the intervening years. For example, three Thai companies were sanctioned in March 1994 for supplying workers to Libya’s Rabta facility, following several months of diplomatic warnings by Washington (CWC Bulletin [24] 1994). Two Swiss firms were sanctioned later that same year for providing construction machinery to the same project (CWC Bulletin [26] 1994). Most recently, Washington imposed sanctions on two Chinese companies, five Chinese persons, and a Hong Kong firm in May 1997, for assisting the Iranian CW program (Disarmament Diplomacy [15] 1997).³⁷

³⁷ However, it should be noted that Congressional critics have said that in this case the Government of China also should have been sanctioned in this case, charging that the administration’s actions only ‘met the bare requirements of US law’ (US Cong. Senate. off. 1998: 13).
Other Capability-denial Responses

Other than the general targeted initiatives discussed in Section 1 (e.g. ACME) there have been no apparent cases where the United States has tried to foster such arrangements specifically against CW programs.

Although Washington has not frequently taken, or even threatened, pre-emptive attacks against nascent CW programs, it has done so on occasion. The first such instance occurred in late 1988, when President Reagan stated during a television interview that he was considering ordering a military attack on a suspected CW factory under construction in Libya. Two weeks later, the United States moved an aircraft carrier to international waters just off Libya, provoking a response that resulted in the downing of two Libyan fighters (CWC Bulletin [3] 1989). Following this incident, however, the United States denied that it had ever had any concrete plans to attack Rabta (CWC Bulletin [4] 1989). But when the Rabta plant mysteriously caught fire during the 1990 Gulf Crisis, press reports suggested that the fire had been an intentional act of sabotage. Indeed, the Washington Post editorial page went so far as to welcome the ‘intriguing mystery’ as ‘perhaps the best news on the nonproliferation front since Israel bombed Iraq’s nuclear reactor a decade ago’ (4/18/90: B6).

More than half a decade later, with nonproliferation efforts having prevented Libya from completing Rabta, Secretary of Defense William Perry told the press that, if and when Libya neared completion, the United States would consider a pre-emptive military attack. ‘If you would like to consider that a warning to Libya,’ he stated, ‘you can so consider it’ (as quoted, Disarmament Diplomacy [4] 1996: 44). Oddly enough, the only overt attack on a suspected CW facility (other than in the unique case of the Gulf War) happened with no warning or prior diplomatic initiatives, when the United States attacked an alleged CW factory in the capital of Sudan in August 1998.38

Non-possession Norm-building

Global Non-possession Norm: Chemical Weapons Convention

For all but the final 2–3 years of the CWC negotiations, the United States did not regard the process as a means to respond to horizontal proliferation. Rather, until about 1990, Washington saw the Geneva talks almost exclusively in terms of addressing the strategic threat posed by Soviet capabilities.39 From the US perspective, Third World proliferation simply did not enter into its CWC equation ([OSD] int.; Hinds int.; Mahley int.; Nelson int.; [State] int.). Although US agencies had different perspectives on the efficacy of a global CW ban, they all saw it as part of the larger bilateral US–USSR arms control process, multilateral trappings notwithstanding. Not surprisingly, then, to the extent that there was any real attention given to CW disarmament up until 1990, it occurred in bilateral channels behind the scenes.

38 Press reports, and at least a few members of Congress, openly speculated that this attack was motivated by an embattled President’s desire to distract public opinion from the mounting Monica Lewinsky scandal that eventually led to his impeachment. In any case, the United States later admitted that it did not have proof that the factory was being used as a CW facility, as evinced by a decision to settle out of court a lawsuit brought by its owner.

39 Throughout the 1980s NATO’s senior military commanders generally believed that the USSR had massive CW superiority, and that it would use CW in any war against the West (Adams 1989).
Given that the United States initially saw the CWC talks primarily as an East–West disarmament process, rather than a vehicle for nonproliferation, strictly speaking only the final few years of the negotiations should be considered as being part of US proliferation response. That said, US positions during this final phase were extensively shaped by its earlier disarmament agenda. As a longstanding mid-level State Department official comments:

The CWC really started out as a Cold War instrument to try to deal with the huge Soviet CW program...If we had created a CWC from the beginning that was focused more on the proliferation treat, it would probably be a lot simpler and less elaborate than the CWC that we ended up with (int.).

Accordingly, US positions on the CWC as a nonproliferation instrument can only be properly understood in the context of the bilateral arms control agenda from which they evolved. 40

The United States came to the CWC negotiations with a long track record of scepticism about CW disarmament. 41 The first meaningful US effort to pursue CW disarmament occurred in a US–USSR bilateral working group established by the Carter administration in 1977. These bilateral talks reached agreement on the scope of a notional treaty, but rapidly deadlocked on specific modalities. With no further progress being made, and bilateral relations deteriorating generally, this bilateral process was formally disbanded in 1981, with the two superpowers agreeing to remand the issue to the CD in Geneva (Burcke & Flowerree 1991). According to one official involved in the bilateral talks, once it had become clear that the Soviets were not serious, the United States lost any interest in trying to pursue CW disarmament. Washington therefore referred the issue to the CD – which it regarded as ‘a place to get things done slowly, if at all’ – specifically as a way to preclude further progress ([OSD] int.).

The failure of the bilateral talks, and the subsequent putting of CW disarmament out to the multilateral pasture, did not displease most elements of the US Government, particularly in the new Reagan administration. Senior officials at the Pentagon actively opposed pressing ahead with serious negotiations – believing that the Soviets could not be prevented from cheating, and a treaty would undercut support for defensive and retaliatory programs – while senior officials at other agencies were at best indifferent, with the notable exception of a single individual. As a White House aide recalls: ‘In the Reagan administration the only person who cared about chemical weapons [disarmament] was George Bush, the Vice President’ (Mahley int.).

Washington effectively blocked any chance of progress in the multilateral talks by refusing to agree to give the relevant working group a mandate to actually try to negotiate a treaty. This straightforward strategy of declining to

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40 The intention here is not to provide a comprehensive negotiating history of the CWC, or even every nuance of the evolution of US negotiating positions over the years. Instead, this discussion is meant to convey the major issues and decisions that represent crucial antecedents to the more relevant developments after 1990.

41 For example, along with its allies France and Britain, it rejected a proposal to ban poison gases put forward by Fascist Italy and Imperial Japan at the multilateral 1921 Washington Conference, arguing that such a instrument could not adequately ensure against covert CW acquisition by unscrupulous powers (Thomas & Thomas 1970). Washington likewise rejected a multilateral UNGA proposal in 1969 by Warsaw Pact countries to negotiate a global ban on CW, asserting that the inherent limitations of such a ban necessitated retaining deterrence through the ability to retaliate in kind.
negotiate, and likewise preventing others from doing so, prevailed throughout the administration’s first term. Although the United States went through the motions of participating in Geneva, for example tabling a paper spelling out its broad objectives for a CW treaty in February 1983 (Emery tst. 1984), in reality it did nothing that would allow any real progress.

This changed abruptly, when Secretary of State George Shultz announced in January 1984 during an unrelated speech to his counterparts in the CSCE that the United States soon planned to table a draft CW negotiating text at the CD. What accounted for this dramatic turnaround? Not, it appears, a consensus within the administration.

According to DOD officials involved at the time, the decision to announce tabling a draft treaty was made without interagency consensus or White House approval (Feith int.; Gaffney tst. 1989; Perle int.). Moreover, it was not merely a case of an initiative that had not been properly vetted by the interagency beforehand, but rather one that had been vigorously and explicitly rejected. Based on a formal intelligence assessment that a CW ban could not be effectively verified, even regarding militarily significant violations, the interagency had weeks before overwhelmingly rejected a proposal by a mid-level State Department official to allow the CD to begin formal negotiations. It was this official who slipped the draft text initiative into Shultz’s speech, without telling him that it was an unauthorised initiative. Afterwards, the Pentagon went directly to the President to demand a retraction. However, after consulting with Shultz, the President decided that he could not undermine his Secretary of State’s credibility by reversing a high profile public initiative (Feith int.).

As one Defense official later testified, ‘Having no choice but to act upon the initiative of the Secretary of State, we did the next best thing, which was to try to limit the damage’ (Gaffney tst. 1989, p. 98). By all accounts, the Pentagon sought to accomplish this by inserting a provision for ‘anytime, anywhere’ challenge inspections into the draft treaty, as non-negotiable provision that the Soviets were certain to reject. A former NSC official recalls:

Anytime, anywhere with no right of refusal was a formula that was generated by [Assistant Secretary] Richard Perle at the Department of Defense. And it was generated by Richard Perle with the plain statement within the interagency when he generated it that this is something the Russians will never agree to so therefore its a means we will block negotiation of the treaty, and we will be able to sit there with that demand on the table and we will not have to make progress on this silly treaty and will still at the same time be able to say that we’re doing everything we can (Mahley int.).

Members of Perle’s staff at the time provide similar accounts ([OSD] ints.). One recalls:

He deliberately forced into the treaty this article with the intention of killing the Convention, assuming...that this made it non-negotiable; the Soviet Union would never accept it, and the Europeans wouldn’t accept it either for different reasons. So he...told the Joint Chiefs that the chemical weapons treaty was a bad idea, but Shultz had made a public statement promising its being presented by the United States, and that he had fixed it by putting this
poison pill into it and that they had nothing to worry about (int.).

Although Perle himself admits that ‘anytime, anywhere’ was his idea, he is circumspect on whether his explicit intention was to sabotage the negotiations. Instead, he states only that he saw it as a minimum requirement for a useful agreement, and that he preferred no agreement to a bad agreement. ‘So yes’, he concludes, ‘I plead guilty, but not to making sure there wasn’t any agreement, but rather that there wasn’t a bad agreement’ (int.).

At the time the United States tabled its draft treaty in 1984, there was virtually no interagency interest in obtaining results. Instead, the consensus was to be seen to be trying to negotiate such a CW ban. So why negotiate at all? The simple answer is that the administration needed to be seen to be negotiating in order to satisfy a Congressional requirement that the acquisition of a new generation of reliable binary CW occur as part of a two-track approach, in parallel to arms control talks (see Appendix 2). 42 Then White House aide Donald Mahley asserts:

From the standpoint of the Defense Department, from the standpoint of the National Security Council, from the standpoint of the State Department, putting the new draft treaty that Bush put down on the table at the Conference on Disarmament was done purely because – not mostly because, but purely because – that was a Congressional requirement in order for the Congress to vote for binary production funds (int.).

This Congressional requirement was reinforced by Vice President Bush, who privately let Army officials know that he would only support the binary program as a means to force the Soviets to the negotiating table ([DOD] int.). Richard Perle (int.) confirms that the only reason that he went along with tabling the draft treaty, even with the ‘anytime, anywhere’ provision, was the need to garner support for the binary program.

The first attempt to interject an explicit nonproliferation element into the CW disarmament process came from the new Soviet leader, Gorbachev, following the tabling of the US draft treaty in Geneva. Since Moscow adamantly refused to consider the type of intrusive verification that the United States was seeking for the CWC, and Washington refused to show any flexibility in its position, Gorbachev suggested that the two superpowers side-step this stalemate. During a 1985 summit meeting he privately proposed a joint US-USSR initiative to create a CW nonproliferation treaty analogous to the NPT – with the US and USSR remaining haves and the rest of the world signing on as have-nots – as an interim arrangement pending future progress on superpower disarmament. This proposal was explored in a series of clandestine bilateral meetings, which the United States kept secret even from its closest allies (Nelson int.). However, in the end, Washington rejected the proposal, concluding that it would jeopardise its binary weapons program, locking in a Soviet advantage. Since US priorities focused on the Soviet threat rather than proliferation, any potential nonproliferation benefit was not considered worth this price (Mahley int.). When Moscow subsequently raised the idea publicly,

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42 This was identical to the strategy that was being pursued at the time in the nuclear field, where the deployment of INF missiles (Pershing II) in Europe was approved contingent on, and occurred in parallel to, negotiations to eliminate this class of weapons.
the United States rejected it out of hand, stating that it preferred to support the CWC negotiations.

Notwithstanding this declaratory support, Washington had little enthusiasm for the Geneva talks over the next several years. Having agreed to negotiations largely to garner Congressional support for the binary weapons program, and subsequently perceiving no signs of movement in behind-the-scenes bilateral talks with the Soviets, there was no political will within the interagency to negotiate in earnest. The Pentagon worked aggressively to ensure that the administration's overriding objective continued to be preserving the binary program, rather than making progress in Geneva. Although Vice President Bush managed to keep the issue from being completely relegated to the sidelines through personal interventions, and a few ACDA officials pressed at the working level for flexibility, the key agencies favoured an uncompromising negotiating posture. In addition to holding firm on 'anytime, anywhere' verification, the United States continued to insist that the CWC should only enter into force if and when all CW-capable states had joined (Apt 1988), effectively killing any realistic prospects for an operative treaty.

Interagency ambivalence and/or opposition was grounded in successive intelligence assessments concluding that even rigorous verification would provide only low confidence to detect cheating. Indeed, far from considering greater flexibility, the interagency in 1987 agreed unanimously at very senior levels that, given the unverifiability of a CW ban, the United States should withdraw its formal support for the CWC negotiations. This recommendation was forwarded to President Reagan for approval, but this was derailed by the personal intervention of Vice President Bush (Gaffney tst. 1989; Hinds int.). Nevertheless, as a former senior Pentagon official later testified:

It frankly would be hard to overstate the significance...that every involved agency including...the Office of the Secretary of Defense...the Joint Chiefs of Staff, the Arms Control and Disarmament Agency, the State Department...and the National Security Council itself had arrived – reluctantly, but nonetheless had arrived – at a recommendation that we must change our position in favor of...pursuit of a chemical weapons ban (Gaffney tst. 1989: 79).

Only a few months later, a blue-ribbon government panel co-chaired by former ACDA Director Fred C. Iklé reached virtually the same recommendation in a public report delivered to the White House, concluding that it was unrealistic for the United States to continue to pursue an inherently unverifiable ban (CWC Bulletin [1] 1988).

Then, suddenly, everything changed. Less than a year after the interagency had unanimously recommended abandoning even the pretext of trying to negotiate a CW ban, and just months after the Iklé panel made the same recommendation, the only official above the mid-level bureaucracy who had ever ardently supported chemical disarmament was elected President of the United States. Whether the interagency liked it or not, suddenly the CWC negotiations had to be taken seriously.

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43 The Intelligence Community had consistently taken this position since at least the mid-1980s. It was publicly and unambiguously reaffirmed as late as 1989 (Webster tst. 1989a).
From the very beginning of his term, President George Bush made it clear to his senior political appointees in the different agencies that the CWC negotiations represented a personal priority (Alessi int.). Moreover, due to the dramatic thaw in US–Soviet relations, and an upsurge in concern about Third World programs in 1989, elements in ACDA and State began to promote using the CWC as a tool to fight proliferation. This simultaneous boost in priority, and reorientation in purpose, led to a dramatic reassessment of longstanding US negotiating positions. This, in turn, led to sharp discord among agencies. With the President vigorously supporting CWC (and the traditional bilateral arms control agenda looking increasingly less relevant), senior ACDA and State officials started to promote the negotiations. In other agencies, however, senior officials taking their first close look at the draft text did not like they found.

Taking CWC seriously for the first time, some agencies realised that ‘anytime, anywhere’ challenge inspections could seriously imperil sensitive programs that had nothing to do with CW. In light of the interagency consensus that even intrusive inspections could not provide high confidence verification, agencies with defensive equities unrelated to CW (sensitive programs that could be jeopardised) concluded that doubtful verification gains were not worth the high adjunct costs associated with intrusive ‘anytime, anywhere’ inspections (Alessi int.; Donadio int.; Inglee int.; Rybka int.). As a mid-level Defense official recalls:

The people who you would normally look to as being the most ardent advocates of the toughest verification were actually forced, like myself, to have to make the decision to forgo some intrusive inspection regimes in order to protect black programs (Inglee int.).

The upshot was that in the first half of 1989, three agencies – DOD, DOE, and the IC – laid down markers at very senior levels that they could not live with ‘anytime, anywhere’ challenge inspections (Alessi int; Donadio int.; Inglee int.; Mahley int.).

The White House secretly convened a high-level review of the US negotiating position in the summer of 1989. This revealed deep divisions within the new national security team about the merits of pursuing a global CW

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44 How is it that the US came to ‘discover’ this consequence of its own proposal so long after making it? According to officials involved, this happened because those outside the narrow arms control community – those in a position to judge the impact on unrelated national security programs – previously had taken no notice of the CWC negotiations because the US had never had any real interest in concluding a treaty (Mahley int.). Additionally, the CFE and INF treaties gave the US its first taste of intrusive inspections at a wide range of defence facilities, revealing the vulnerability of sensitive, unrelated programs (Mahley int.; Rostow int.). Many outside analysts have speculated that in reality ‘anytime, anywhere’ had always been a bluff, and that what happened was merely that the bluff was called. At least one observer (Krause 1992) disputes this interpretation, arguing that the change was a logical reaction to the reorientation of US goals from East-West disarmament to North–South nonproliferation. All of these explanations are plausible, and none are mutually exclusive.

45 This consensus was based on longstanding Intelligence Community assessments that even intrusive measures would not provide high confidence verification (Rostow int.; Webster tst. 1989a). Defense’s Inglee recalls: ‘Even [among] the most ardent advocates in the interagency, ACDA, for example...there was consensus on that....The difference was they thought it was maybe going to be 85-90%, when in fact we were saying 50%’ (int.).

46 The term ‘black program’ refers to highly classified weapons programs under development, the very existence of which is often secret.

47 This would have occurred in the context of the then ongoing formal review of overall disarmament and nonproliferation policies that had been initiated a few months earlier.
Although ACDA and State favoured moving forward with the Geneva negotiations, OSD strenuously argued against pursuing the CWC. It insisted that, at a minimum, the United States should insist on a package of changes, including: being allowed to continue producing binary weapons after entry into force in a ‘build-down’ arrangement; being allowed to retain indefinitely and unconditionally a small CW stockpile; and, adding an explicit ‘firebreak’ clause that would allow the United States to halt reductions and re-evaluate the treaty’s merits at a specified point during implementation. The Joint Staff refused to support even this proposal, arguing that the United States should withdraw from the CWC talks altogether, and instead negotiate reductions bilaterally with Moscow (Washington Post 9/10/89).

Faced with stiff opposition within his Cabinet to key elements of the draft CWC, the President opted to compromise across the board. He signed a secret directive authorising the continuation of binary production during negotiations, committing the United States to negotiate the right to retain a small ‘security stockpile’ within the CWC framework until all CW-capable states had acceded to the treaty, and leaving the door open for the United States to seek to continue ‘build down’ production even after the CWC came into force (Washington Post 9/10/89). He also moved to detach the ongoing bilateral talks from the multilateral process, and to bring them to swift closure, in order to ensure that the bilateral agenda did not become hostage to the dubious prospects for multilateral progress (Mahley int.).

This bilateral process occupied Washington’s attention for the next ten months, effectively superseding the larger debate on CWC. On 23 September 1989, Washington and Moscow concluded an intense round of high level negotiations, signing a bilateral agreement to exchange and verify data on their respective stockpiles. This involved not only detailed data exchanges, but on-site inspections at declared facilities (ACDA off. 1998). Two days later, President Bush used a speech to the United Nations to propose a bilateral disarmament agreement, whereby each country would immediately begin to reduce its stockpile to an amount equivalent to 20 per cent of the current US stockpile, with a further reduction to 2 per cent within eight years after CWC entry into force. At the 2–3 December 1989 Malta summit, the President sweetened this offer by agreeing to drop plans to insist on continuing binary production after CWC entry into force (CWC Bulletin [7] 1990). After several rounds of high level negotiations, the Bilateral Destruction Agreement (BDA) was signed on 1 June 1990. In a final concession, the United States had agreed to immediately halt binary production. However, the agreement gave each party the right to retain a ‘security stockpile’ equal to two per cent of the current US stockpile until at least eight years after CWC entry into force, at which point the continued retention of security stockpiles would be reviewed.48

Securing a bilateral disarmament agreement with Moscow allowed Washington for the first time to treat the Geneva talks primarily as a

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48 As one official (Mahley int.) points out, the BDA represented an almost perfect arms control agreement from the US perspective. At the time, the CWC was still thought to be decades away, and might never be achieved at all. The US had already produced a significant amount of binary weapons, and was already unilaterally destroying its unitary stockpile. Since the BDA limits were set at precisely the level of the total residual stockpile that the US had planned to retain in any case, the BDA served to lock the Soviets into asymmetric reductions that would bring their stockpile down to the same level that the US was already reducing to unilaterally.
nonproliferation vehicle. This shift in objectives served to increase the internal pressure to modify longstanding US negotiating positions, which had been designed with the Soviet stockpile in mind. Advocates of the multilateral treaty, starting with the President himself, had to find a formula that would satisfy critics within the administration, particularly Defense Secretary Richard Cheney.

Pursuant to the President’s earlier compromise, the United States tabled a joint proposal in Geneva with the Soviet Union several weeks after signing the BDA, calling for the security stockpile provisions in the BDA to be incorporated into the draft CWC. The United States followed this with statements on 24 July and 16 August noting that it intended to continue to reserve the right to use its security stockpile to retaliate in-kind (CWC Bulletin [9] 1990). A short time later, Washington also changed its longstanding position on verification. In August 1990 the United States formally notified the Western Group (WEOG) caucus in Geneva that it was withdrawing its support for ‘anytime, anywhere’. It tabled a new negotiating position reserving the ultimate right of a States Party to refuse challenge inspections (Cousins off. 1991, 15 May).49

By adopting a position on retention and use that was anathema to the Third World, and a position on verification that was unacceptable to the WEOG, the revised US negotiating position presented obstacles to progress on all sides (Ledogar 1991). The bottom line was that, without US concessions on these issues, the negotiations would not be going anywhere, anytime soon. This left the Geneva process to stagnate, while the interagency argued about whether to show greater flexibility, and if so, how much. This debate became so rancorous that even the smallest technical issues were elevated to the Cabinet level ([State] int.).

The most divisive issue remained multilateral (i.e. non-Soviet) challenge inspections.50 Having dropped ‘anytime, anywhere’, Washington needed to offer a detailed proposal to flesh out its new position. The Geneva delegation and ACDA pushed to return to a tough stance on verification. DOD, DOE and the IC insisted on protecting non-CW related US facilities against intrusive verification. State and Commerce occupied the middle ground, with State leaning towards ACDA and Commerce leaning towards the rest, while NSC remained neutral (Donadio int.). This line-up left verification supporters very much in the minority. As the former US chief negotiator bitterly recounts, the interagency was dominated by the defensive concerns of DOD, DOE and the IC (Ledogar int.). A prominent State Department participant likewise recalls: ‘You had everybody except State and ACDA very much wanting to protect almost at the expense of being able to detect’ (int.).

In the end the ‘defensive’ coalition prevailed decisively. A participant recalls that, at end of a series of meetings chaired by the NSC staff, the Pentagon and its interagency emerged with almost all of the defensive provisions that they had sought in order to ensure that multilateral inspections would be relatively toothless (Bushong int.).

In the spring of 1991, the United States dispatched a delegation to various

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49 It does not appear that the interagency ever took this absolute rejection of any type of mandatory challenge inspections very seriously. Rather, this categorical position seems to have been intended as a ‘place-holder’ while the interagency debated the issue.

50 At this point it was assumed that verification of US-Soviet reductions would be carried out bilaterally under separate bilateral inspections procedures.
Western countries to preview its new position on verification, which it characterised as reflecting a British approach known as 'managed access' (Cousins off. 1991, 15 May). As one observer notes, 'It was such a retreat from “anytime, anywhere” as to amount to a neutering of the challenge inspection concept' (Findlay 1993: 33). Among its defensive features, the proposal allowed the inspected party to establish a delay inspectors for up to a week to negotiate a perimeter around the site, gives the inspected party the final say in setting the perimeter if these negotiations fail, allows the inspected party to forbid inspectors access on the ground within this perimeter, and strictly forbids searching exiting personnel and private vehicles (Findlay 1991a). The United States also supported limiting routine inspections to facilities that had actually in the past produced at least 100 tonnes of CW precursors annually, rather than all facilities capable of doing so (Findlay 1992a). Ironically, this proposal moved the United States closer to the verification preferences of China and the NAM countries than to most of its Western allies (Donadio int.; [State] int.). Having persuaded Australia, Japan and the United Kingdom to reluctantly sign on as co-sponsors, the United States formally tabled this proposal in the WEOG in July 1991.

At this juncture, the White House changed the interagency balance by effectively abandoning its role as a neutral arbitrator of interagency disagreements. Sensing that the post-Gulf War environment offered a narrow window of opportunity, and fearing that US inflexibility could derail the negotiations at this critical juncture, President Bush stepped in to reverse his earlier decisions on retaining a security stockpile and the right to retaliate in-kind. This change of course was not agreed on in interagency. Rather, it was handed down as an edict from the White House. While Defense Secretary Cheney and others objected vigorously, in the end they had no choice but to defer to the President’s decision ([ACDA] int.; Moodie int.; Nelson int.; Rostow int.) As one senior negotiator recalls, the reaction among many senior officials in Washington was: ‘It may be a rotten treaty and we hate it, but you know this is what the President decided’ (int.).

These major concessions left the ongoing stalemate in the WEOG on challenge inspections as the lone key obstacle.51 The Pentagon and its interagency allies consequently drew a line in the sand on this issue, ferociously resisting any compromise on challenge inspections. As a result, the United States spent months debating a single adjective in its proposal with other Western governments (Donadio int.; Moodie int.).

However, when Australia took it upon itself to try to bilaterally broker a compromise behind the scenes (see Chapter 5), the White House once again abandoned neutrality, pressing for flexibility as these secret bilateral talks unfolded. A senior ACDA official recounts, ‘At that point there was enormous [White House] pressure to get the thing done’ (Moodie int.). A mid-level Defense official ruefully recalls that, as a result of the pressure brought to bear by the White House during the bilateral talks with Australia: ‘As we got into it, basically we discovered that we had no friends...and so whenever we looked for cover we suddenly found that we were alone, and none of our traditional allies...came out to help us’ (Rostow int.).

51 Because the WEOG could not agree on a unified Western position, the debate on challenge inspections at this point had not yet reached the main negotiations.
In the end, the United States accepted a formula that, while not going as far as most of its Western allies would have liked, went much farther than many US agencies would have accepted absent sustained and irresistible pressure from the President and his NSC staff. Most officials involved readily admit that the United States almost certainly would never have accepted the treaty that it signed in January 1993, but for the personal interventions of President Bush.

US ambivalence toward the CWC did not end with successful conclusion of the negotiations. It was now up to a new President to carry forward US support for, and participation in, the new treaty regime. In the absence of close management by senior White House officials, simmering divisions in the interagency reasserted themselves in relation to implementation issues being negotiated in the Preparatory Commission (PrepCom) of the Organization for the Prohibition of Chemical Weapons (OPCW). With CWC sceptics once again able to exert influence, the United States sought to put limits on intrusive verification, for example by restricting the equipment used by inspectors (int.).

The Clinton administration failed to act quickly and decisively to secure Senate ratification.52 In part, this was due to becoming mired in a bitter interagency dispute over a decision by the NSC staff to change Washington's unilateral interpretation of the CWC’s restrictions on the use of riot control agents (RCAs). This self-inflicted controversy not only delayed the ratification process, but raised concerns by the powerful and nearly universally respected Chairman of the Senate Armed Services Committee, Democrat Sam Nunn, and would remain a major source of contention between the administration and the Senate.53 Meanwhile, consistent with longstanding IC assessments, top intelligence officials testified that the treaty’s verification provisions would not provide high confidence to detect cheating (Landry tst. 1994; Woolsey tst. 1994).54 Along similar lines, then Deputy Secretary of Defense John Deutch admitted: ‘We recognize that the CWC may not be universal or universally complied with’ (tst. 1994: 34).

In response to concern that such statements generated in the Senate, the NSC staff exerted pressure on the IC and DOD to adopt a more positive assessment of the CWC’s effectiveness. As a result, ‘At the end of the day the Intelligence Community and...DOD reluctantly said that CWC was marginally

52 On a more positive note, the administration used discrete bilateral diplomacy to make clear to friendly countries that had signed the CWC, but which the US suspected of having covert CW programs that it would not tolerate untruthful declarations (int. Gallucci). The US therefore appears to have been directly responsible for some of the unanticipated declarations following entry into force.
53 Under a unilateral reservation to the 1925 Geneva Protocol, the United States had maintained the right to use RCAs under four specified circumstances. During the CWC negotiations, the US had insisted on being allowed to retain this reservation, refusing to back down under any circumstances. The issue was only resolved on the final day of negotiations by adopting intentionally ambiguous language, prescribed the use of RCAs as a ‘method of warfare’, without defining this term (Donadio int.). The Bush administration had made a legal determination that this allowed for all for US conditions of use to be retained (Donadio int.; Shalikashvili tst. 1994; Slocombe tst. 1994). However, even as the Senate was holding its first round of hearings on the CWC, a low-level official on the Clinton NSC staff pushed through a new legal interpretation, eliminating two of the four conditions of use (int.). This, in turn, led to a unanimous protest by the military’s theatre commanders-in-chief (CINCs), word of which eventually was leaked to Senator Sam Nunn (Deutch tst. 1994). According to a very senior OPCW official, there was no multilateral pressure on the US to revise its position (int.). Indeed, the only external pressure for this change, and the disastrous delay and recriminations that it engendered, seems to have come from a single Western ally ([OSD] int.).
54 Although his classified testimony is highly redacted, comments by Senators at a later open session suggest that General Landry indicated that the IC had ‘low confidence’ of effective verification.
verifiable' (Wallerstein int.). However, the damage had been done. This was compounded by the administration's ongoing failure to promote the treaty aggressively. As one observer notes, ‘All told, by the second anniversary of the Convention’s signing, the President had publicly uttered fewer than 100 words about it’ (Smithson 1995: 174), concluding: ‘The NSC’s insistence that ratification of the CWC was a central element of the administration’s nonproliferation policy rang false without the involvement of Clinton, Gore, Christopher, Aspin, or his successor, William Perry’ (177).

With ratification going nowhere fast, its prospects took a series of blows in 1995. First, the Republicans gained control of both houses of Congress, and Senator Jesse Helms, an avowed CWC opponent, assumed leadership of the main committee responsible for ratifying treaties. Then a few months later, existing doubts about verification were enhanced by dramatic revelations that Iraq had been able to conceal significant elements of its CW stockpile from UNSCOM inspections (int.). Shortly after these revelations, a senior intelligence official bluntly told Congress, ‘Some chemical weapons-capable countries, such as Iran, have signed the CWC but show no signs of ending their programs’ (Oehler tst. 1995). The administration also was forced to admit that it suspected Russia might be cheating on the BDA, by extension casting doubt on whether it would comply in good faith with the CWC (ACDA off. 1998; OSD off. 1997a; Washington Times 8/8/96).

Even Secretary of Defense William Perry, sent along with Secretary of State Warren Christopher to reassure the Senate that the CWC was effectively verifiable, admitted under questioning that this assessment applied only to the destruction of declared stockpiles, and that verification of covert production and stockpiles remained uncertain (tst. 1996).

At the same time that the Clinton administration was undertaking this tepid ratification campaign, a slew of high ranking former officials was publicly speaking out against it. Former Reagan administration officials Frank Gaffney and Kathleen Bailey had been actively attacking the treaty in editorial articles almost from the moment it was signed. However, the campaign against the Convention reached new heights in an extraordinary open letter sent to Senate Majority Leader Trent Lott on 6 September 1996 from numerous former top officials, including many involved in negotiating the CWC, urging the Senate to reject ratification. This devastating letter was signed by, among others, seven former Cabinet officers (including three secretaries of defense), two former national security advisers, twelve retired senior generals and admirals, and dozens of other former senior officials from NSC, State, Commerce, Defense and other agencies (Cheney et al. 1996). Judging that it would lose a Senate vote, the administration was forced to withdraw the CWC from Senate consideration.55

Faced with this humiliating foreign policy defeat, the Clinton administration made CWC ratification a high foreign policy priority as it entered its second term. Believing that the Senate would be compelled by the prospect of the CWC entering into force without the United States as an original States Party,

55 Smithson (1997b) points out that Senate opposition in part arose from factors that had little to do with the treaty itself, for example presidential campaign politics, and later efforts by the Republican Congress to assert its influence on foreign policy issues. The Senate also felt that the treaty’s prohibition on reservations impinged on its constitutional prerogatives.
the administration tacitly precipitated this crisis by discretely encouraging Hungary to start the six-month countdown to entry into force by depositing its instrument of ratification in late 1996 ([ACDA] int.).

The United States very nearly did not ratify CWC, just as, subsequently, it would decline to ratify the Comprehensive Test Ban Treaty (CTBT). In the immediate run-up to the ratification vote, key Senate Democrats anticipated that passage was doubtful (Washington Post 4/19/97). As one observer notes, 'The CWC’s fate really did hang in the balance until the very last moment' (Smithson 1997a: 250). Senate concerns about the CWC focused on its potential negative impact on capability-denial and consequence-mitigation efforts. The administration took pains to point out that during the negotiations the United States had successfully denuded Article X (providing for technical cooperation and assistance) and had circumvented restrictions on the Australia Group (see above discussion of Australia Group). Moreover, the administration stressed that it did not place undue faith in the treaty, repeatedly characterising it as a marginally useful tool that would make an incremental contribution by 'making clandestine weapons production and stockpiling more difficult, more risky, and more expensive' (Clinton off. 1998, 12 November: 4). However, the Senate remained unconvinced.

Facing an uphill battle, the administration desperately scrambled to keep prospects for ratification afloat. It took the unusual step of de-coupling ratification from the associated implementing legislation, concluding that the latter had no chance of passing, and in failing could drag ratification down with it ([ACDA] int.). It also fell back on the argument of last resort, that the international reputation of the United States was at stake, and that therefore the Senate should ratify regardless of its views on the merits of the treaty. Indeed, Senate Majority Leader Trent Lott, in explaining his eleventh hour support for ratification, made it clear he did so only to preserve ‘the credibility of commitments made by two presidents of our country’ (as quoted by Arms Control Today 10/97).

In the end the White House was forced to agree to a number of major substantive concessions in order to narrowly scrape by with ratification. Some of the most onerous were unrelated to the treaty (e.g. abolishing ACDA). Others sought to address specific concerns about the CWC itself. For example, President Clinton provided Senator Lott with a written commitment that the President, in consultation with the Senate, would withdraw from the CWC if other States Parties put US interests at risk by abusing Article X or Article XI (providing for cooperation and assistance) (Arms Control Today 10/97). The White House also agreed to allow the Senate to embed 28 separate conditions within the ratification legislation.

56 As a compromise between having no provision for universality on the one hand and setting an impossibly high bar on the other, the treaty specifies entry into force after a specified number of countries had deposited their ratification instruments.

57 The implementing legislation was more problematic than ratification because: 1) it needed to be passed by the House as well as the Senate; 2) it highlighted many of the most controversial elements of the treaty (e.g. intrusive inspection procedures); and 3) the external deadline for becoming an original States Party did not apply.

58 The term ‘conditions’ was used instead of the usual term ‘reservations’ because the latter are expressly prohibited under the terms of the treaty itself. Interestingly, one of the conditions is that the Executive Branch will never impinge on the Senate’s constitutional prerogatives by accepting such a restriction on reservations in any future negotiations.
Some of these conditions were designed to ensure that the CWC would not undermine other anti-proliferation efforts. These included: securing assurances from all AG countries that AG controls would be maintained in their current form against all non-AG countries (i.e. regardless of whether they are parties to CWC); and, continuation and expansion of US chemical defence programs. Other of the conditions served to abridge the treaty itself, including: giving the President authority to refuse a challenge inspection on national security grounds; prohibiting OPCW inspectors from removing chemical samples from US territory; interpreting restrictions on the use of RCAs so as to preserve current US guidelines; narrowing the number of US industrial facilities required to provide declarations; and, prohibiting US contributions to the OPCW voluntary fund for defence assistance under Article XI (US Cong. Senate off. 1997, 24 April).59

Taken together, US ratification conditions amounted to the most grudging imaginable approval, designed to send an unmistakable signal of no confidence. As one analyst points out, if other countries opt to match these conditions, the treaty in effect will be eviscerated (Tucker 1998, 29 July).

Although ratification occurred in time to allow the United States to become a charter member of the OPCW, it still had no national implementing legislation. As a result, the United States was unable to meet its obligations to provide commercial data declarations, putting it in 'technical violation' of the CWC a month after it had joined. This state of membership limbo lasted for nearly two years. One observer, commenting on this period, concludes: ‘The United States has been the malignancy in the midst of the CWC’ (Smithson 1998).

Congress and the administration finally agreed on implementing legislation on 21 October 1998. However, the administration failed to persuade Congress to soften the ratification conditions, which were codified in the implementing legislation (CBW Bulletin [42] 1998). Thus while the US faces the future as a full CWC States Party, it can hardly be characterised as a maximalist participant.

Other Non-possession Responses

The United States never promoted regional CW non-possession instruments prior to the advent of the CWC. The Reagan administration flatly rejected a proposal by the East German SED party and the West German SPD party for a CW-free zone in Central Europe in September 1985 (Burck & Flowerree 1991). A similar proposal a few months later by then Senator Albert Gore Jr likewise garnered no meaningful support in Washington. The only successful CW-free zone, the Mendoza agreement, negotiated by Argentina, Brazil and Chile prior to completion of the CWC, does not appear to have involved Washington. Likewise, the United States has not participated in or

59 Many CWC States Parties believe that some of these US conditions constitute de facto reservations in the formal sense. Moreover, the Senate considered, but in the end declined to pass, a number of even more onerous conditions, which the President said he could not accept. These included: requiring ratification by China, Iran, Iraq, Libya, North Korea, Syria and Sudan; withholding deposit of the instrument of ratification until Russia had ratified and the President had certified that Russia was in full compliance with the BDA; Presidential certification that the US could detect militarily significant violations with high confidence; requiring the President to bar OPCW inspectors of nationalities of states that violated US nonproliferation laws; amending treaty to eliminate Articles X and XI (Arms Control Today 4/97).
promoted regional instruments to complement the CWC.  

Consequence-mitigation

Counterproliferation

Counterproliferation against CBW threats, like other elements of proliferation response, evolved from concepts oriented towards the Soviet threat. The US maintained an extensive chemical defence program throughout the Cold War. These efforts were bolstered significantly during the first Reagan administration (L. Dunn et al. 1992). From the mid-1980s through the Gulf War, DOD maintained a steady annual budget of $500-600 million on its CBW defence program (US Cong. House off. 1993). The first explicit reorientation of these capabilities to countering the proliferation threat occurred prior to the Gulf War, under the aegis of the Pentagon’s working group on proliferation countermeasures. However, it was the Gulf War that prompted a significant focus on so-called regional CW programs. In 1992 the Pentagon announced a coordinated effort to develop active and passive CBW defences to counter proliferation threats. The first active-defence element of this program came in a solicitation for bids by the Air Force in August 1992 for development of a warhead that could destroy or disable CBW and bulk agents (CWC Bulletin [17] 1992).

Expenditures on CBW counterproliferation have risen dramatically since the launch of the Defense Counterproliferation Initiative in late 1993. The total non-missile-related counterproliferation annual budget for the 1998 fiscal year was $4.9 billion. Moreover, the Quadrennial Defense Review augmented this by an additional $1 billion through to the 2003 fiscal year for CBW protective equipment (Disarmament Diplomacy [17] 1997). Counterforce programs now include the Air Force’s Agent Defeat Weapon program and Deeply Buried Target Defeat Capability program. Defensive programs now include development and acquisition of numerous systems to improve capabilities in contamination avoidance, protection, and decontamination and treatment (OSD off. 1997a). The Pentagon has also trained and assigned National Guard units in ten states to assist civilian authorities in the event of a CBW attack, effectively the first civil defence program in decades (Washington Post 5/23/98). In sum, proliferation-oriented chemical defence has become a major military priority, towards which the United States has increasingly directed significant resources.

Deterrence

Deterrence in kind represented the mainstay of the US response to the Soviet CW threat during the Cold War. As concern about non-Soviet CW programs emerged in the late 1980s, deterrence in kind was explicitly extended to cover these threats. As discussed above, President Bush’s decision to renounce retaliation in-kind shortly after the Gulf War had been bitterly opposed by the Pentagon. However, the incoming Clinton administration asserted that the CWC did not obviate the need for effective deterrence against CW attacks.

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60 A general exception being support in principle for a Middle East WMD free zone in the context of the Arms Control and Regional Security (ACRS) Working Group of the Middle East peace process.

61 Even this spending level is likely to increase, given the subsequent agreement between Congress and the administration to dramatically increase overall defence spending in coming years.
It was willing to forgo retaliation in kind, but only because the Pentagon believed that it could attain effective and credible deterrence by other means (Slocombe tst. 1994).

Washington was extremely mindful that its implied threat of nuclear retaliation may have been the primary reason that Iraq did not use CBW against coalition forces during the Gulf War (Wallerstein int.). Consequently, it began inching steadily towards an explicit policy of nuclear deterrence. As often happens, the first suggestion along these lines came from a quasi-official advisory panel, chaired by former Air Force Secretary Thomas Reed, which in January 1992 recommended that, following implementation of START II, residual US nuclear forces should be assigned the new mission of deterring CBW attacks by Third World countries (*CWC Bulletin* [15] 1992).

In the first year of the Clinton administration, Secretary of Defense Les Aspin directed his agency to conduct an official review of US nuclear doctrine, including whether to act on the recommendations of the Reed panel (*Washington Post* 10/19/93). According to press reports, this issue led to a rift in the interagency, with some agencies worried that threatening nuclear retaliation against CBW attacks would violate existing US assurances that it would not threaten to attack NPT states with nuclear weapons. Because of this internal dispute, the US adopted an intentionally ambiguous CBW deterrence posture. For instance, when Aspin’s Nuclear Posture Review was finally released, it did not mention CBW deterrence. However, at the attendant press conference, Deputy Secretary of Defense John Deutch stated that, despite the document’s silence on the issue, countries contemplating CBW use would have to take into account the possibility of a US nuclear response (*CWC Bulletin* [26] 1994). When pressed by Congress to clarify this posture, another senior Defense official offered the following equivocal testimony:

> For obvious reasons, we do not choose to specify in detail what responses we would make to a chemical attack. However, as we stated during the Gulf War...the response will be ‘absolutely overwhelming’ and ‘devastating’ (Slocombe tst. 1994: 3).

In recent years the United States has moved towards a more explicit nuclear deterrence posture. When the United States signed the African Nuclear-weapon Free Zone Treaty on 11 April 1996, the White House issued a statement reaffirming testimony by Secretary of Defense Perry the month before asserting that the United States did not interpret this obligation as limiting its options to respond to a WMD attack by another party (*Disarmament Diplomacy* [4] 1996; Schwartz 1998). In 1997 the issue was formally revisited in a second review of US nuclear strategy. In the context of this review, a senior Defense official bluntly testified: ‘The knowledge that the US has a powerful and ready nuclear capability is, I believe, a significant deterrent to proliferators to even contemplate the use of WMD’ (Slocombe tst. 1997: 5).

An explicit shift to nuclear deterrence was formalised in November 1987 by Presidential Decision Directive-60 (PDD-60), revising US nuclear doctrine, which reputedly authorises nuclear weapons to be used against rogue states in retaliation for WMD use (Schwartz 1998). ‘The new circumstances associated

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62 Interestingly, one criticism that has been leveled against the CWC is that it increases US reliance on the deterrent role of nuclear weapons (Spring 1996).
with the spread of chemical and biological weapons’, a subsequent study notes, ‘have expanded the role of nuclear weapons to deter such use’ (Joseph & Lehman 1998). That said, former Assistant Secretary of Defense Ashton Carter (int.) notes that while having the option of nuclear retaliation, the Pentagon also has concentrated on developing a range of intermediate non-nuclear responses, in order to provide a credible deterrent to the full range of CBW threats.

SECTION 3: CASE STUDY – BIOLOGICAL WEAPONS63

Relative Priority

Washington was nearly indifferent to BW proliferation throughout the Cold War.64 Whereas in the 1980s concern about CW had marginally included Third World programs, there was no parallel anxiety about BW. Developments in biotechnology raised fears that BW could become more militarily effective, but this new threat was seen strictly in terms of the Soviet Union (Mahley int.; McNamara int.).

The Gulf War engendered sudden awareness of BW proliferation. ‘So we then turn to the nonproliferation aspect’, one official recalls, ‘and lo and behold we discover that very small scale...can become major problems' (Mahley int.). Given that the number of suspected BW programs had tripled since the BWC was signed in 1972, this was perceived as an acute new threat (Gallucci int.; Larsen 1995; US Cong. House. off. 1993). That said, it is unclear whether BW has received equal attention with the other proliferation areas. Recent Assistant Secretary of State Thomas McNamara (int.) states that BW was consistently his lowest nonproliferation priority, behind missiles, CW, and nuclear. Such inattenttion appears to derive from perceptions that it BW proliferation is the hardest to prevent. For the same reason though, a recent senior Defense official asserts that BW was the Pentagon’s highest counterproliferation priority (Carter int.).

Capability-denial

National Export Controls

Restrictions on biological agents and associated dual-use equipment were considered as early as 1984, when the United States instituted export controls on CW precursors (Olmer tst. 1984). However, it was not until 1989, the first year of the Bush administration, that any BW-related nonproliferation controls were put in place, covering just a few organisms. These modest unilateral controls applied to all destinations except Canada, with a policy of automatic denial for exports to Cuba, Vietnam, Cambodia, North Korea, Iran, Iraq, Syria, and Libya (LeMunyon tst. 1989; [ACDA] int.; US Cong. Office of Technology Assessment [OTA] off. 1993).

The Gulf War, and subsequent revelations that Iraq had obtained

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63 As noted in Chapter 1, there is a high degree of overlap between some aspects of CW and BW proliferation response. In the interests of minimising redundancy, this section omits information discussed already in the preceding CW case study.

64 It should be noted that Wright (1993) asserts that awareness of the proliferation dimension of the BW threat emerged around 1985. However, she does not document the basis for this claim.
pathogens from U.S. companies, prompted the first serious effort to establish comprehensive BW-related nonproliferation controls. In addition to creating catch-all controls, President Bush in November 1990 ordered the Commerce Department to expand unilateral controls on BW-relevant items, and to coordinate licensing decisions on these with State and Defense. In response, Commerce added controls on exports of dual-use production equipment to 28 destinations. After 1991, the United States expanded these controls in line with agreed AG requirements. US controls have by and large remained stable since the final expansion of the AG lists in June 1993 (ACDA off. 1997b; GAO off. 1992).

*Multilateral Export Control Regime: Australia Group*

As soon as the United States instituted its own unilateral BW-related controls in early 1989, it sought to multilateralise this effort, proposing to widen the scope of the AG to include BW nonproliferation. As one key official states, 'We were the ones who played a big role in pushing for biological controls' ([State] int.).

The AG agreed to add BW nonproliferation to its basic mission in June 1990, although no specific rules were adopted (ACDA off. 1997; Clarke tst. 1990). However, following the Iraqi invasion of Kuwait several weeks later, Washington significantly intensified its push for concrete measures. At the December 1990 meeting, the United States proposed specific BW-relevant controls, as well as CBW catch-all controls (Clarke tst. 1991). Following intense inter-sessional lobbying by Washington (Fox off. 1991), the Group adopted controls on biological agents, toxins, and associated equipment in December 1991. These controls were expanded further in June 1992, including the addition of animal and plant pathogens (ACDA off. 1997). The following month, President Bush directed the interagency to seek to expand AG controls further on BW-related items (L. Dunn et al. 1992). In June 1993, the AG again expanded its lists of biological agents and dual-use equipment, fully meeting US expectations for comprehensive controls (ACDA off. 1997; [State] int.).

The United States has been satisfied with the scope and operation of AG activities against BW proliferation in recent years (Smaldone int.; Fitzgibbon int.; [State] int.). However, Washington faces a new challenge to preserve the status quo. Just as some NAM states used the CWC negotiations to attack the AG, it is again under fire in ongoing negotiations to create a new BWC compliance regime (see below). Moreover, believing themselves to have been misled in the CWC context by the 1992 O'Sullivan Statement, it seems doubtful that opponents of the AG will again allow their demands to be sidestepped with vague assurances. Ergo, the United States and its AG partners are under intense pressure to agree to eliminate or weaken the regime as a condition for achieving a BWC protocol.

Washington, for its part, has categorically maintained that it is will not brook any compromise on the AG in order to strengthen the BWC. The chief US negotiator for the BWC talks indicates that the interagency has been wary of this trade-off all along, and that the interagency remains fully prepared to stand alone to break consensus. He amplifies:

> My negotiating instructions right now make it very clear that I am not authorised to reach any agreement on behalf of the United States which will undermine our
nonproliferation regimes as a result....The idea that this becomes a free shot at restricting our national sovereign right to work anti-proliferation is yes an issue, and one on which we have absolutely no flexibility (Mahley int.).

Acting Under-Secretary of State John Hoium told the press much the same thing on 6 October 1998:

We will not, in the name of strengthening compliance with this treaty, allow an undercutting of the regimes that presently limit proliferation of biological weapons. We think those are indispensable and need to be continued (CBW Bulletin [48] 1998: 42).

A number of officials privately observe that the Clinton administration is not in a position to soften this stance even if it wanted to, because the Senate would almost certainly refuse to ratify any agreement that undermined the AG.

Wider Export Control Norms

In the wake of the Gulf War, the United States started to promote wider application of BW controls in conjunction with its standing CW-related efforts. At the September 1991 Third BWC Review Conference (RevCon) – even before the AG had incorporated biological controls – the United States urged BWC members to implement national export controls and sanctions along the lines of its own, pursuant to implementing the treaty’s general prohibition on assisting BW programs (Fox off. 1991; Wright 1993).

Once the AG adopted comprehensive BW-related controls, Washington folded its efforts to widen biological controls into its ongoing campaign to promote universal adherence to AG rules. The Bush administration placed particular emphasis on the need to persuade FSU states, and especially Russia, to enact strict BW-related export controls (L. Dunn et al. 1992).

The United States has continued to use the BWC as a legal justification to urge non-AG countries to adopt applicable export controls. Moreover, unlike in the case of the CWC, Washington has refused to concede any special exemptions for transfers between BWC members. For example, at the 1996 Revcon the United States stated:

Some would weaken the Convention by twisting Article III into a mandate to let all equipment and material transfers presumptively run free to States Parties. But surely we know, based on experience, that membership in a regime is no guarantee of compliance. The Article III prohibition on proliferant transfers and assistance is and must remain absolute. Its duty as to vigilance cannot be suspended as to members, but rather demands constant attention as to all (Hoium off. 1996, 26 November: 2).

National Enforcement Mechanisms

Washington was constrained in undertaking national efforts to prevent BW-related transfers in the 1980s by its own lack of export controls (Holmes tst. 1989). However, since adopting export controls in 1989, the United States has extended virtually all of its national enforcement mechanisms for CW to also cover BW, including interdiction, sanctions, and incentives (see preceding section).
Other Capability-denial Responses

Other than the general targeted initiatives discussed in Section 1 (e.g. ACME) there have been no apparent cases where the United States has tried to foster such arrangements specifically against BW programs. There also have been no apparent cases of sabotage or destruction targeting BW programs, other than in the unique case of Iraq.

Non-possession Norm-building

Global Non-possession Norm: Biological Weapons Convention

Throughout the Cold War, the United States saw the BWC solely as a means to outlaw Soviet BW capabilities. It had agreed to the Convention in this context during Détente in the early 1970s. Although the treaty made no pretext at verification, Washington was not concerned about this weakness, regarding BW disarmament as inherently unverifiable and, in any case, having nothing to lose having unilaterally renounced BW already (Chevrier 1995; Harris 1987).

The BWC attracted scant notice from American policy makers after entering into force. Although the United States supported adding a few anodyne transparency declarations at the first BWC Review Conference in 1980, it otherwise neglected BWC implementation.

In the early 1980s the Reagan administration became convinced that Moscow was pursuing a large-scale offensive BW program in flagrant violation of the BWC. Soviet non-compliance represented virtually the only US concern going into the 1986 BWC Review Conference. But, unlike some Western governments, Washington stoutly rejected trying to strengthen compliance by adding verification measures. The interagency unanimously agreed that, since meaningful verification was deemed impossible, it was better to have this clearly understood (Feith int.; Mahley int.). This position was bluntly articulated in a press leak well in advance of the multilateral meeting (Washington Times 6/9/86).

As an alternative to verification, the United States sought to get the Review Conference to mandate national declarations on prior BW stockpiles and production facilities, and whether and how these had been destroyed or converted (Sims 1990a). Although this initiative was blocked, US proposals to enhance the existing transparency declarations were adopted as a modest package of voluntary CBMs. However, the United States was so focused on Soviet non-compliance, and so convinced by this that the BWC was irredeemably flawed, that it actually blocked proposals to widen the treaty’s normative nonproliferation role by having the Review Conference issue a statement encouraging new states to join (DFAT off. 1990, 1 June).

By the next Review Conference in 1991, while remaining deeply

65 According to Mahley (int.), who at the time was a strategist at NATO, some agencies had suspected that the Soviets were pursuing BW as early as the late 1970s. However, it was not until the early 1980s that Washington obtained compelling enough evidence to convince all parts of the interagency.

66 Moscow did not acknowledge ever having had a BW program. Therefore, unlike the United States, it did not indicate that it had destroyed or converted its stockpiles and production facilities after acceding to the BWC.

67 These transparency measures were aimed squarely at the USSR, since the information involved was readily available for Western countries from public sources.
concerned about Soviet non-compliance, the United States also wanted to strengthen the Convention’s nonproliferation role as a global non-possession norm. Compliance was also a key factor in this regard, since the United States believed that several other States Parties were violating the BWC, for example China and Iran. In light of this new nonproliferation imperative, the interagency conducted a major review of the verification issue. However, this process merely served to reaffirm for all agencies that the BWC was inherently unverifiable, and that ineffective verification would be worse than no verification.

Despite pressure from other Western governments at the 1991 Review Conference, Washington refused to budge on verification, insisting that enhancing existing CBMs was the only practical way to strengthen the treaty (Mahley int.; Moodie int.). The chief US delegate recalls ‘much of the rest of the world saying some verification is better than none, and the US position being bad verification is worse than none’ (Moodie int.). Additionally, in the absence of verification, the United States ruled out any type of multilateral organisation to assist in implementing the treaty (ACDA & State tst. 1990). It likewise opposed proposals by many Western governments to develop indicative lists and associated quantitative thresholds to clarify what items and activities were prohibited in order to facilitate verification (GAO off. 1992; Moodie int.).

As a compromise, Washington agreed to go along with creating an ad hoc working group of verification experts (VEREX) to study the technical feasibility of verification. However, it did not intend for this process to lead to anything. ‘VEREX from the United States standpoint...was something which we were prepared to allow...on the presumption that it would demonstrate the futility of the exercise’ (Mahley int.). Accordingly, Washington insisted on an extremely restrictive mandate for VEREX, for example limiting its duration, precluding it from developing draft provisions (or even recommending options), excluding non-governmental participants, and most importantly requiring consensus on its final report (Australia off. 1991; DFAT off. 1991 b; GAO off. 1992).

Not surprisingly, at the first VEREX session in early 1992, US scientists categorically averred that they knew of no way to make the BWC verifiable. The US Delegation also stated that it would oppose any measures that could impinge on either proprietary commercial information or military bio-defence programs (GAO off. 1992).

Soon after VEREX began, Russian President Boris Yeltsin unexpectedly confirmed that the former Soviet regime had maintained an offensive BW program in violation of the BWC, which he pledged to terminate. Consistent with the pattern set in the CW area, the United States opted to address this disarmament opportunity bilaterally – or in this case trilaterally with the British – in order to allow the type of intrusive on-site compliance measures that it was

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68 The US successfully proposed adding a new declaration on bio-defence programs, and enforcing wider participation in existing CBMs by making participation politically mandatory. However, only twenty States Parties actually met this requirement the following year, with only the US and Australia provided detailed declarations (Pearson & Sims 1998). The United States also urged states to voluntarily allow rapid and unconstrained international investigation of unusual outbreaks of disease as a useful means to detect use of BW or accidents involving BW programs (Mahley int.).

69 One of the arguments against BWC verification is that the vague nature of its prohibitions make it difficult to ascertain what would constitute a violation. However, the US has consistently taken the position that further defining Article I would limit the scope of the treaty. This remains an issue of tension in current negotiations (see below).
opposing multilaterally (Goodby int.). However, some agencies had opposed this process, arguing that it would give ammunition to proponents of BWC verification (Rostow int.).

Notwithstanding this trilateral flirtation with verification, Washington held firmly to its opposition to any BWC verification. NSDD-70, signed at the end of the Bush administration, committed the United States to maintaining the status quo on the BWC (L. Dunn et al. 1992). At the penultimate third round of VEREX talks in May-June 1993, the new Clinton administration reaffirmed this position, stating that it would block consensus on any positive assessments in a final report (DFAT off. 1993, 27 September).

Just as it seemed that VEREX would wind down to an inclusive finish – which of course had been the US plan from the start – a dramatic policy reversal was hatched in the White House. PDD-13, signed by President Clinton in September to replace NSDD-70, contained language supporting new measures to help deter violations of the BWC (White House off. 1993, 23 September). As a senior official explained to Congress:

To strengthen the Biological Weapons Convention (BWC), we are parting company with the previous administration and promoting new measures designed to increase transparency of activities and facilities that could have biological weapons applications, thereby increasing confidence in compliance with the Convention (Davis tst. 1993: 60).

This change was the only major shift in the new Clinton administration’s nonproliferation strategy.

By all accounts, the White House took this step over the vigorous, unanimous objections of the interagency (Alessi int.; Mahley int.; [NSC] int.; Wallerstein int.; [State] int.). ‘They simply said we’re going to do it’, recalls one official, ‘and then turned around to the operating parts of the government afterwards and said “now you guys make it work”’ ([ACDA] int.). In explaining this unprecedented action, officials from different agencies point to the personal agenda of one working-level member of the NSC staff, as well as a general desire by the White House to take credit for an innovative nonproliferation initiative ([ACDA] int.; [State] int.; Wallerstein int.).

Stuck with a new negotiating process, the interagency launched a vigorous rear-guard effort to stall and rein in the entire endeavour. Almost immediately, the NSC was forced to clarify that the administration still unambiguously considered the BWC to be unverifiable ([ACDA] int.; [NSC] int.; Wallerstein int.; [State] int.). Accordingly, at the final VEREX meeting and subsequently, whereas the United States agreed to support a generally positive report, it nonetheless insisted that the goal for any future negotiations should be ‘transparency’ or ‘compliance enhancement’ rather than ‘verification’. It also insisted on a formal reservation insisting on the need to protect proprietary and national security information, and noting that this might prove infeasible (CWC Bulletin [22] 1993, [26] 1994; DFAT off. 1993, 21 October). It reiterated this

After a promising start, the Trilateral Process, like the BDA in the CW realm, ultimately failed. Despite years of talks, Moscow stonewalled on allowing any inspections at military facilities ([State] int.; Goodby int.). Washington continues to allege that the Russian Federation, along with several other parties including China, is violating the BWC (ACDA off. 1997a; Einhorn tst. 1997; OSD off. 1997a; Washington Post 7/15/95, 2/26/98; Washington Times 8/8/96, 8/16/97.)
stance at the 1994 BWC Special Conference that provided the mandate for an Ad Hoc Group (AHG) to negotiate a legally-binding compliance protocol (Dando 1995).

The United States embarked on the Ad Hoc Group (AHG) negotiations in 1995 without a consensus on a desired outcome. The NSC remained isolated in seeking support for highly intrusive measures, with the interagency continuing to resist anything resembling a verification regime ([NSC] int.; Wallerstein int.). For example, Commerce, Defense, and Energy adamantly opposed any type of routine inspections, and insisted that initiating challenge inspections should require a high standard of evidence (Tucker 1998b).

Revelations soon after the AHG talks began, regarding the wholesale failure of UNSCOM to detect significant parts of Iraq’s BW program, or even to prevent its further development, profoundly reinforced interagency scepticism about the AHG process ([State] int.; Wallerstein int.).

In May 1996, the NSC staff was further isolated when the Pharmaceutical Manufacturers Association (PhRMA), representing one of the major domestic BW-relevant industries, announced its formal opposition to measures that would jeopardise confidential business information, including routine inspections of commercial facilities (Woollett 1998). In November PhRMA took this position directly to the BWC Fourth RevCon (Thraenert 1997).

The lack of agreement between the bureaucracy and industry on one hand, and the NSC staff on the other, led to the United States having no negotiating flexibility during the first three years of the AHG process. In practice, this left the United States with a minimalist stance. For example, in a speech to the UNGA in September 1996, President Clinton stated that the United States supported on-site inspections in cases of suspected BW use or unusual disease outbreaks (CWC Bulletin [34] 1996), conspicuously omitting any mention not only of routine inspections, but even challenge inspections of suspicious production or storage facilities. Many observers attribute the almost total lack of momentum in the AHG during this period to US unwillingness to consider compromises on key issues such as routine inspections (Chevrier 1995, 1996; Dando 1997; MacEachin 1998; Smithson 1998b; Tucker 1998b).

In a bid to salvage the AHG process, the NSC in late 1997 put high-level pressure on the interagency to adopt a more forward leaning position ([State] int.; Wallerstein int.). In the face of stiff resistance from key Cabinet officers, a compromise was finally reached at a January 1998 meeting attended by Secretary of State Albright, Secretary of Defense Cohen, and Secretary of Commerce Daly, just in time to be announced in President Clinton’s State of the Union speech (Washington Post 1/28/98). However, this hard-won deal embraced only modest concessions, and more importantly remained subject to approval by private industry.

Under the January 1998 initiative, the Clinton administration pledged to ask relevant US industries to consider a package including: voluntary visits (i.e. by invitation) at declared facilities; reasonable clarifying visits at declared facilities to address specific problems arising from national declarations; and,

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71 Tucker (1998a) points out that the pharmaceutical industry is more vulnerable to industrial espionage than the chemical industry, and that the US pharmaceutical industry is disproportionately vulnerable because it accounts for 36% of global research and development spending and enjoys a significant qualitative edge.
challenge inspections at undeclared facilities based on the approval of a simple majority of the implementing organisation’s Executive Council. Significantly, this tentative negotiating position did not include any type of mandatory routine (i.e. random) inspections at any declared facilities, including even high-risk facilities (CBW Bulletin 39 1998; Tucker 1998b). It also did not alter Washington’s implacable view that the BWC is not verifiable, and its resultant unwillingness to permit references to verification (or even the looser term ‘evaluation’) in the draft text (Mahley int.; [State] int.). One recent independent assessment concludes that the Clinton package ‘will prevent the erection of any meaningful system and thus make the protocol a void document’ (Müller 1998).

It remains uncertain whether even this relatively modest package of concessions will ever become the US negotiating position, and if so, whether it could achieve multilateral consensus. Industry continues to object to key parts of virtually every element of the President’s January 1998 initiative, as well as aspects of the current US negotiating position. For example, PhRMA opposes routine inspections even on a voluntary basis. It also insists that: challenge inspections should require approval by a super-majority of the Executive Council; mandatory declarations should not be expanded beyond those required in the present voluntary CBMs; and, additional definitions are needed to clarify what items are prohibited (Tucker 1998b; Woollett 1998).

Almost a year after his January 1998 initiative, because of continuing opposition by industry, President Clinton could only repeat that ‘the United States will work closely with US industry to develop US negotiating positions and then to reach international agreement on: declarations, nonchallenge clarifying visits, and challenge investigations’ (Clinton off. 1998, 12 November, p.5). As for those responsible for carrying out these tasks: ‘The bureaucracy is not very happy with the whole thing, and the issue is plagued by major disconnects between the working-level bureaucracy and the working-level White House’ (int.).

Summing up the prevailing consensus in Washington, one key State Department official comments that, while the United States remains willing to consider measures that might usefully enhance transparency and deter violations, it believes that the exercise has marginal utility, and therefore is not willing to pay any high costs, especially since the Senate has no interest in ratifying an ambitious compliance instrument (int.).

Other Non-possession Responses

The United States has never attempted to supplement the BWC with regional/targeted non-possession arrangements.

Consequence-mitigation

Counterproliferation

The United States all but abandoned bio-defence after the BWC entered into force. Although the Reagan administration revived the program in response to a perceived Soviet threat, it remained a far lower priority than chemical defence (Hinds tst. 1989b).

This legacy of inattention left a gap in US bio-defence capabilities when priorities shifted to counterproliferation in the early 1990s. A 1992 study notes
that in contrast to robust CW-related capabilities:

Reliable BW agent-detection technologies do not yet exist, current stocks of US vaccines and medicines are inadequate, and US forces and civil defense personnel are completely lacking in training and other forms of preparedness for biological warfare (L. Dunn et al. 1992: IV-2).

That same year, the Pentagon designated BW-defence as a priority acquisition requirement for the first time, increasing BW-related programs to over forty percent of the overall CBW-defence budget (CWC Bulletin [16] 1992). In its final budget request, the Bush administration the next year sought a significant additional increase in bio-defence funding (CWC Bulletin [20] 1993).

The Clinton administration accorded highest priority to BW in its counterproliferation efforts (Carter int.). In recent years, the Pentagon has developed new detection and protective technology and equipment. It also has invested massively in programs to develop up to eighteen new vaccines for BW-related diseases, as well as prophylactic and therapeutic treatments for nerve agents. In May 1998, President Clinton approved a DOD program to vaccinate all 2.4 million US military personnel (i.e. active-duty and reserve) against anthrax, and to begin stockpiling BW-relevant vaccines and antibiotics for civilians, at a projected cost of billions of dollars (OSD off. 1997; Washington Post 5/21/98, 5/23/98; CBW Convention Bulletin [41] 1998)

Its commitment to BW counterproliferation has also led the US to shoulder a high-profile, controversial dispute within the UN system. In December 1994, Washington and Moscow agreed to suspend plans to destroy the world’s last known samples of the smallpox virus, which each held, contravening a consensus recommendation by the World Health Organization (WHO) (CWC Bulletin [23] 1994). Over the objections of the Pentagon (as well as the British government), the NSC staff opted to compromise, agreeing to merely defer destruction for several years in order to allow further defensive research (int.;CWC Bulletin [27] 1995). However, as the June 1999 deadline loomed, the White House had second thoughts. A scientific advisory panel was convened to review the issue, concluding that the United States needed to retain its smallpox as a hedge against covert BW programs (Washington Post 3/15/99, 3/16/99). Citing this defensive requirement, the United States announced in April 1999 that it was again shifting position to oppose destruction, compelling a special WHO conference to agree to suspend destruction indefinitely (Washington Post 4/23/99, 5/25/99).

Deterrence

Unlike for CW, the United States was willing during the Cold War to forgo in-kind deterrence against BW. That said, as an unnamed official stated to the press in the Reagan administration:

The thought that you could deter the use of biological weapons through the threat of US strategic nuclear weapons being used was an important argument behind President Nixon’s unilateral renunciation of biological

72 WHO had reached a consensus recommendation to destroy these stocks in order to declare that this disease had been eradicated as a threat to humanity.
In the post-Cold War period, CBW deterrence has evolved as a single doctrine (see previous section). Unofficially though, it seems likely that nuclear retaliation has continued to be deemed more credible in the case of BW, given its far greater capacity as a mass destruction weapon.

SECTION 4: CASE STUDY – MISSILES

Relative Priority

Missiles have always been distinguished from other military systems because of their organic link with nuclear weapons. Discouraging their diffusion therefore was a logical, albeit unarticulated, ancillary to US nuclear nonproliferation priorities almost from the beginning. The first de facto nonproliferation policy for nuclear-capable missiles was instituted in 1964 by National Security Action Memorandum (NSAM)-294, ‘US Nuclear and Strategic Delivery System Assistance to France’, prohibiting transfers of strategic missiles even to close allies (Speier 1995; State off. 1997). This was indirectly reinforced in 1972 by National Security Decision Memorandum (NSDD)-187, prohibiting technical assistance to foreign space launch projects, in part ‘to avoid proliferation of foreign capabilities to develop and deploy advance weapons systems’ (quoted by Speier 1995).

Despite this longstanding recognition that missiles represented a sensitive military capability, it was only at the beginning of the Reagan administration that long-range missiles were explicitly identified as an enabler – or in other words a latent choke-point – for nuclear proliferation. In 1981, the new administration set up an interagency task force to study the threat posed by the proliferation of nuclear-capable missiles (Ozga 1994). This led to NSDD-70, ‘Nuclear Capable Missile Technology Transfer Policy’, establishing nuclear-capable missiles as a distinct proliferation area, and making missile nonproliferation per se a formal US objective for the first time (Reagan off. 1982, 30 November). Long-range nuclear-capable missiles were thus distinguished from conventional missiles as equivalent to nuclear weapons themselves. This represented the first explicit attempt to expand the concept of nonproliferation beyond nuclear weapons. It was also the only other area at the time in which US policy was focused on the Third World rather than the Soviet Union (McNamara int.).

During the mid-1980s missile proliferation received more attention than the other areas at senior levels in the Pentagon ([OSD] int.; Feith int.; Perle int.; Speier int.). However, it only became a national priority in 1987–88. This heightened attention was prompted by a convergence of events, each attracting public notice. These included: the so-called War of the Cities between Iran and Iraq, China’s sale of IRBMs to Saudi Arabia, and intelligence revelations about the progress of the Argentina-Iraq-Egypt-Libya Condor II IRBM program (Bowen 1997; Speier int.). Also in the late 1980s, with concerns emerging about CBW proliferation, Washington began to see a wider relevance for

73 Because of this policy, Washington refused to honour an Israeli request for the nuclear-capable Pershing I missile in 1973, despite Syrian attacks with nuclear-capable SCUD missiles supplied by the USSR. Instead, the US gave Israel the non-nuclear Lance system (Karp 1989).

74 NSDD-70 specified that transfers of other short-range missiles fell under a separate policy, the earlier NSDD-50 on conventional arms transfers. It specified that it took explicit precedence over NSDD-50 on space cooperation for any issue that might be relevant to missile proliferation.
missile nonproliferation (Burns tst. 1989). One study (Rubenson & Slomovic 1990) circulated among senior DOD officials concluded that CW-armed missiles posed a more serious potential threat to US security than nuclear missiles. Overall, Washington increasingly adopted the view that, in terms of its nonproliferation priorities, ‘Ballistic missile programs are as important a target...as the weapons they carry’ (Webster tst. 1989c).

This burgeoning concern soared after the Gulf War. A steady stream of Congressional hearings and press reports reinforced already acute public awareness. Not only was the problem seen to be growing, but to pose an increasingly direct threat to US interests. For example, CIA Director James Woolsey testified in early 1993:

Countries are developing ballistic missiles that will have sufficient range to threaten Europe, Japan, and other US allies and US forces abroad, and...these can be adopted to carry nuclear, biological, or chemical weapons....After the turn of the century,...some countries that are hostile to the United States might be able to acquire ballistic missiles that could threaten the continental United States (1993a: 28).

Moreover, critics charged that US intelligence agencies were underestimating the peril. An intelligence estimate promulgated in 1995, NIE-95-19, ‘Emerging Missile Threats to North America During the Next 15 Years’, proved especially controversial. It reiterated that the United States would not face a direct missile threat for at least fifteen years, based on the assumption that all suppliers would abide by their missile technology export control commitments, as well as discounting the capabilities of non-hostile states such as India (Karp 1998; Washington Times 5/14/96). However, a high-level bipartisan commission appointed by Congress to examine this issue recently issued a report contradicting such assessments, concluding: ‘The threat to the US posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community.’ (Commission to Assess the Ballistic Missile Threat to the United States [Commission] off. 1998). This finding subsequently was bolstered by the apparently unexpected tests of new medium-range missiles by Iran and North Korea, leading the IC to concede that some hostile countries may be acquiring capabilities faster than previously anticipated and, specifically, that North Korea, Iran and Iraq may be able to threaten North America in less than a decade (Tenet tst. 1998; Washington Post 9/10/99.).

One dimension of the issue that has only recently started to get senior-level attention is cruise missile proliferation. For example, in 1989, a top official publicly discounted cruise missile proliferation as an imminent risk (Webster tst. 1989c). Although some Defense experts had sounded earlier warnings (Hinds tst. 1989a; Sokolski tst. 1991), Washington only began to focus in earnest on this aspect of the problem in the mid-1990s. A 1995 report by a key Defense advisory panel seems to have prompted concern at senior levels, concluding that cruise missiles are a more effective means of CBW delivery than ballistic missiles, and furthermore pose a greater proliferation risk (Defense Science Board [DSB] off. 1995). Public intelligence assessments

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75 This is not to say that the cruise missile issue previously had been ignored completely. This dimension had long been recognised among government experts.
have recently started to highlight cruise missile proliferation as an emerging threat (National Air Intelligence Center [NAIC] off. 1998; NPC off. 1995).

**Capability-Denial**

**National Export Controls**

The United States embargoed all transfers of nuclear-capable missiles from the 1960s. In the early 1970s, it restricted the export of SLV-related technology, establishing a system of case-by-case licensing decisions. However, these were not really nonproliferation controls. Instead, they were intended chiefly to protect the commercial interests of US space launch providers, as well as to extend strategic trade controls to what had become recognised as a militarily relevant technology (Ozga 1994; Karp 1989; Speier 1995).

Unilateral missile nonproliferation controls as such were instituted in 1982 as part of the missile nonproliferation policy conceived by NSDD-70. These regulations required case-by-case licensing on a comprehensive array of equipment and technology relevant to ballistic and cruise missiles and SLVs. Individual licensing decisions were governed by a policy to deny any exports that would make more than a marginal contribution to any foreign missile program, although waivers could be considered for friends and allies (Reagan off. 1982, 30 November).

Once the MTCR became operative in 1987, the United States continued to implement missile technology controls universally, with no automatic exemption for MTCR members (except Canada) (US Cong. OTA. off. 1994). At the same time, Washington maintained a strict policy of denying exports of MTCR items to specified countries of concern, as well as to specified projects of concern in other countries (LeMunyon tst. 1989b).76

Washington has been among the most rigorous of the MTCR partners in its national interpretation and implementation of the Regime’s guidelines over the past decade.77 For example, it has been reasonably consistent in denying exports that would contribute to space launch programs, from the onset refusing to distinguish such civilian projects from military missile programs (Holmes 1989a tst.).78 As a Bush administration official testified in 1991: ‘While

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76 It should be noted that, even after the creation of the MTCR, there was no regular interagency licensing process for missile nonproliferation in the Reagan era. Instead, it was left to State and Commerce to evaluate whether exports under their respective authorities were potentially relevant for missile nonproliferation, and if so, to consult other agencies. This led to ongoing suspicions by the Defense and State departments that the Commerce Department was undercutting US nonproliferation policy by approving relevant dual-use exports without appropriate interagency consultation (Hinds tst. 1989c; Speier int.; Zimmerman int.). However, the Bush administration resolved this problem in 1989 by creating the Missile Technology Export Committee (MTEC), which reviews all applicable licence applications (Clarke tst. 1990).

77 That said, some observers point out that Washington has been willing to violate its own export control policies, and to stretch the MTCR rules, in cases involving Israel (Ozga 1994; Khromov 1998).

78 One controversial exception was the State Department’s approval in the late 1980s for a US company to participate in the construction of a spaceport facility at Cape York, Australia. Although this represented indirect assistance to an SLV project in a non-MTCR country, and therefore undermined Washington’s own interpretation of the MTCR Guidelines, it was authorised due to domestic political pressure in a key state (California) in a presidential election year, as well as intensive lobbying by the Australian Government (Speier int.; Zimmerman int.). However, the administration stressed that this was a one-time exception, rather than a shift in policy (Clarke tst. 1990). The only apparent subsequent case of assistance to a new non-MTCR SLV program, in which a US company received the State Department’s
launch services must be available on the world market, launch vehicles must not' (Sokolski tst. 1991, pp. 126–127). That said, in late 1992 the Bush administration relaxed this policy for some close allies within the MTCR (Speier int.; [State] int.). The Clinton administration soon after specified that, while the United States would not encourage any SLV programs (including within the MTCR), an absolute prohibition on transfers would apply only to new SLV programs outside the MTCR, thus permitting space cooperation with Russia and Ukraine (White House off. 1993, 27 September). Nonetheless, the United States retains among the strictest national prohibitions on assisting SLV programs.

The scope of US export controls generally has tracked with the MTCR since it was established, with changes first being negotiated multilaterally. However, the Bush administration instituted some unilateral restrictions beyond MTCR requirements. For example, on 5 June 1989 it instituted a ban on exports of satellites and associated components to China as part of wider sanctions in the response to the Tiananmen Square massacre. This ban was expanded a few months later to prohibit Chinese launches of US satellites without a case-by-case presidential waiver. On 27 May 1991, the White House further strengthened this prohibition for nonproliferation reasons, announcing that as a matter of policy it would no longer provide such waivers, and that henceforth it would deny licences for exports of high-speed computers that could be used to assist Chinese missile development (Rennack off. 1996). Additionally, catch-all controls were introduced in 1990 under EPCI regulations. Finally, the United States uses export controls and other tactics to block companies from purchasing missile- or SLV-related goods or services from foreign entities that it suspects are involved in proliferation, in order to cut off proliferators from indirect financial support (Smoldone int.).

The Clinton administration sought to ease to some extent a few of these unilateral measures. In 1993 it loosened restrictions on mid-range computers (i.e. under 1,500 MTOPs), and in 1996 again lowered this threshold, citing wide international availability due to rapid advances in commercial technology. However, Congress partially rolled back these reforms the following year because of proliferation concerns (US Cong. Senate. off. 1998). Also in 1996, the administration eased restrictions on civilian access to the most accurate version of the Defense Department’s Global Positioning System (GPS) (Washington Post 3/30/96). Case-by-case presidential waivers to allow US companies to launch their satellites on Chinese SLVs had also been reinstated early in the administration. Again, responding to evidence that some inappropriate technology transfers may have occurred, Congress in 1998 imposed a total ban on Chinese launches of US satellites, and re-classified all types of satellites as weapons licensed by the State Department rather than

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79 This ‘no offshore procurement’ policy is implemented by requiring (and denying) export licenses for US firms to provide the technical specifications that a foreign firm needs to bid on supplying components. In cases where this proves impractical, the policy is enforced through Treasury Department import licences for Defense-related items (Smoldone int.).

80 This decision was based largely on the recommendations of a major RAND study (Pace et al. 1995). Although the Pentagon went along with the decision, accepting the White House dictate that the economic benefits outweighed the proliferation risks, a 1998 DOD report to Congress subsequently asserted that foreign missile programs had already been assisted by the newly available GPS capabilities (Washington Post 6/20/98).

The United States on balance retains stringent unilateral controls beyond MTCR requirements, especially targeting specific countries of proliferation concern.

**Multilateral Export Control Regime: Missile Technology Control Regime**

The November 1982 Presidential directive establishing unilateral missile nonproliferation export controls also mandated simultaneously trying to multilateralise this effort (Reagan off. 1982, 30 November). Beginning with Britain, the United States put out feelers to its G-7 Economic Summit partners almost immediately to sound out their willingness to participate in an export control regime (Ozga 1994). As one US participant explains this choice of interlocutors, ‘The group was large enough to influence the rest of the world with its policies but small enough to try to keep the talks under wraps’ (Speier 1995, p. 19). The unambiguous US objective going into this process was to get the most stringent regime possible, explicitly using COCOM as a model (McNamara int.; [State] int.).

In March 1993 the United States initiated what would prove to be a long and rancorous multilateral negotiation by circulating a confidential paper called ‘Missile Technology Control’, proposing common G-7 export control guidelines for ballistic and cruise missiles and associated technology. These would include provisions for consultations and revisions, and would be implemented nationally using a detailed annex of equipment and technology to be updated yearly, with national participation codified by the exchange of confidential diplomatic notes. Although vague on details, this proposal laid out the basic structure and procedures of what would become the MTCR (Speier 1995).

Prior to the first round of secret multilateral negotiations in June 1983, the United States circulated a detailed technical proposal that had been developed by DOD. This package defined nuclear-capable missiles as systems capable of carrying a 500 kilogram payload to a range of 300 kilometres with an accuracy of 10 kilometres’ circular error of probability. It explicitly stated that civilian

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81 This issue was entangled in the larger corruption scandal of the 1996 Democratic presidential campaign, with charges that US firms such as Loral Space and Communications and Hughes Electronics traded donations for presidential waivers over the objections of the bureaucracy to permit the Chinese to launch their satellites (New York Times 5/17/98, 12/15/98; Washington Times 7/30/98). President Clinton emphatically denied these charges (Washington Post 5/18/98). However, these cases instigated the formation a special select Congressional committee which eventually promulgated the bipartisan Cox Report on Chinese penetration of US missile and nuclear secrets. They also remain the subject of ongoing criminal investigations by the Justice Department.

82 Interestingly, the MTCR negotiations were assigned to the nuclear nonproliferation offices at OSD and ACDA, but to the COCOM offices at the departments of State and Commerce. The latter naturally thought of the MTCR as a North–South variation of strategic trade controls (i.e. targeted against hostile states). It was not until 1989 that MTCR policy was being handled by the nonproliferation bureaucracies in all agencies (Speier int.; [State] int.; Zimmerman int.).

83 I would like to thank Dr Speier for generously making available his unpublished history of the MTCR negotiations, along with associated documentation. It is my understanding that this manuscript – partly a detailed, well documented chronicle of the US role in negotiating the MTCR, partly a fascinating first person memoir, rich in opinions, personalities, and more than a few quirky anecdotes – may be released as a monograph by the United States Institute of Peace, which along with the Carnegie Endowment for Peace sponsored the research.

84 According to Speier (1995), this range was based on the minimum assessed to be strategically significant for the Korean Peninsula, which was selected because it represented the most compact region
SLVs would be treated the same as offensive missiles under this definition. It also provided a specific 'short list' of key items to be controlled, including missiles, major sub-systems, and complete production facilities. Finally, it proposed developing a 'watch list' of less sensitive dual-use items. At the meeting, Washington obtained agreement in principle on this technical package (Speier 1995).

Despite this promising start, the interagency had been unable prior to the inaugural meeting to agree on the guidelines by which listed items would be controlled. The Pentagon wanted to propose an absolute prohibition on transferring 'short list' items to non-members other than by unanimous consent. But State and ACDA wanted a more flexible system. After intensive interagency debate at senior levels, a compromise formula was agreed that leaned heavily toward the Pentagon's position: Category I items would require unanimous consent for export to non-members; Category 2 items would be subject to consultations prior to export to non-members; and, all licence applications would be pre-notified to all members (Speier 1995).

Washington encountered fierce resistance when it tabled these draft guidelines at the second round of talks. There was widespread resistance to COCOM-style consensus rules for Category I, prior consultations for Category 2, and prior notification of any licence applications. Additionally, two countries remained implacably opposed to including civilian SLVs in Category I. The session ended in a tense deadlock that was destined to last almost two years McNamara int.; Speier 1995).

Throughout this period, senior Defense officials successfully resisted interagency suggestions to consider flexibility in the US negotiating position. Instead, in an all out bid to sell its position, the United States launched an intensive series of bilateral meetings beginning in mid-1984 (Speier 1995). As the chief US negotiator recalls, 'We had to basically badger the Europeans and push them into doing things...which required political and bureaucratic measures that were difficult for them to take' (McNamara int.) In November 1995, bowing to this diplomatic offensive, the last government resisting the US position on SLVs relented, allowing Category I to be finalised at a multilateral meeting the following month.\(^{65}\) However, Washington had been unable to convince some countries to go along with requiring consensus approval on Category I transfers (Speier 1995).

Faced with seemingly no possibility of getting multilateral agreement, the State Department requested another interagency review. In a compromise hammered out at senior levels, the Pentagon reluctantly comprised: the interagency would harden its proposal on transfers of Category I production facilities to an absolute prohibition, but soften its position on other Category I transfers to a 'strong presumption of denial' except on rare occasions.

\(^{65}\) However, ambiguous language was inserted into the Guidelines specifying that they were not intended to impede national space launch programs as long as such programs could not contribute to systems for the delivery of WMD. Given that the US had always insisted that SLVs inherently pose a proliferation risk, and more importantly that the Annex explicitly treats SLVs as being identical to ballistic missiles, Washington viewed (and continues to view) this clause as having no practical effect. To the extent that the US has ascribed any meaning to this clause, it is along the lines that its intent can is met through the availability of launch services rather than SLVs as such.

of proliferation concern. The payload was based on the weight of the smallest nuclear weapons that were assessed to be attainable by Third World countries at the time. The accuracy was based on what would be required to inflict significant damage on an urban area using a small (20-kiloton) warhead.

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Moreover, no explicit restrictions would be put on inter-partner trade. The United States tabled this package in February 1986. It warned that this represented a major concession, amounting to weaker rules than Washington had wanted, and that it was absolutely unwilling to compromise further. Although negotiations continued for another year, this compromise ultimately was accepted, with minor modifications (McNamara int.; Speier 1995). In the end, Washington had succeeded in fashioning a multilateral instrument in the image of its own national policies.

The fundamental tensions between Washington and its European allies did not end with the successful culmination of the MTCR negotiations. Indeed, friction surfaced almost at once over how to divulge the existence of the new regime, with the Europeans objecting to US plans for a high-profile announcement by President Reagan. Washington was forced to scale back its announcement to a nonetheless well publicised statement issue by the White House press secretary in the President’s name, along with a State Department press conference (New York Times 4/17/87; Speier 1995; Washington Post 4/18/87, 4/20/87). This discord foreshadowed a struggle within the fledgling Regime, with the United States fighting to assert its interpretation of the compromises embodied in the sometimes vague and contradictory language of the Guidelines and Annex.

In the MTCR’s first years, the United States worked to solidify its interpretation that the Guidelines applied to all Category I programs, regardless of whether these were civilian SLVs, or the country concerned did not have a nuclear weapons program. However, some partners, in particular France, resisted this strict interpretation (Holmes tst. 1989a; Sokolski tst. 1990a, 1990b; Verville tst. 1990; Zimmerman int.).86 The United States also sought to strengthen implementation by proposing that the Regime adopt a common list of programs and countries of concern. Again though, some partners refused, leaving Washington to circulate its own such list, which it urged partners to consider in their national implementation (LeMunyon tst. 1989b; Zimmerman int.).

In addition to continuing to work to build support for US interpretations of the Guidelines, the Bush administration pressed to strengthen and expand the Regime’s institutional scope. In October 1989, Vice President Dan Quayle publicly called for all European Community (EC) states to join. The administration soon expanded on this proposal, suggesting that membership should include all EC, NATO, European Space Agency, and ANZUS countries (Clarke tst. 1991).

The Gulf War provided both impetus and opportunity for Washington to renew its efforts to strengthen the MTCR, leading to a flurry of US proposals at the March 1991 plenary. These reflected ‘US determination to impose progress on the Regime and gather multilateral action in conformity with its own tightened non-proliferation regulations’ (DFAT off. 1991, 4 April). For instance, having tried since 1989 to widen the Regime’s objectives to encompass CBW-as well as nuclear-capable missiles (Holmes tst. 1989a), the United States was finally able to obtain agreement (Ozga 1994).87 At the same meeting, the US

86 France refused to acknowledge that MTCR rules prohibit support to Category I SLV programs until July 1992 (Ozga 1994).
87 The Guidelines were revised accordingly in January 1993, based on the recommendations of a
asked the Regime to adopt catch-all controls comparable to its new EPCI regulations (LeMunyon tst. 1991). Although it failed to get such controls added to the Guidelines, it continued to push in subsequent meetings and through bilateral diplomacy, with the result that a majority of MTCR states now implement them nationally. Finally, in order to implement these reforms within just nine months, the United States proposed, and offered to host, an unprecedented second plenary meeting later that same year (DFAT off. 1991 a).

By the end of the Bush administration, the Annex and Guidelines had been strengthened, membership had been expanded to include virtually all Western states, a regularised intercessional consultative mechanism had been established, and major internal differences regarding interpretation had been largely resolved in Washington’s favour.

Satisfied that the MTCR had become a mature export control regime, the incoming Clinton administration set out to get it to take collective action against proliferation between non-members. It also sought to expand membership to include significant non-Western supplier countries, in order to expand its reach as a supply-side cartel. Since this latter policy entailed bringing hitherto targets of the Regime into the fold (e.g. Argentina, South Africa), Washington sought to institute safeguards to prevent the MTCR from becoming a ‘technology supermarket’ for incoming members. These included seeking to bolster the rules constraining inter-partner trade, only admitting countries that were already significant potential suppliers of missile technology, and only welcoming states ‘that subscribe to international nonproliferation standards, enforce effective export controls and [except Russia and China] abandon offensive ballistic missile programs’ (White House off. 1993, 27 September).

In the event, modest membership expansion went forward, but the United States failed to win support within the Regime for any of these countervailing safeguards. It therefore has resorted to the extremely contentious practice of imposing its restrictive membership criteria unilaterally by exercising its consensus veto on membership applications, imposing these requirements on new members such as Argentina, Brazil, Hungary and South Africa. Washington also delayed approving Russian membership for several years until it was satisfied that Moscow had established a track record of responsible export behaviour. It is also presently delaying applications by a number of other candidates like South Korea (Karika int.; [State] int.).

At the same time that the United States has been chastised by many of its MTCR partners for unilaterally imposing restrictive membership criteria (Karika int.), the Clinton administration has faced the opposite criticism from Congress and others, that these requirements are in fact too lax in that countries can

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88 Including the EU states, Australia, Japan, and South Africa. The US has also exerted substantial pressure on Moscow to follow suit.
89 In addition to strengthening the Regime’s scope as a cartel, membership expansion was designed to serve the secondary function of giving the MTCR credibility as a de facto non-possession norm (see below).
90 The latter requirement was suggested by ACDA specifically to avoid ‘putting the chickens and the foxes together in the same place’ (Smaldone int.). This was not a problem in the AG or NSG, since the BWC, CWC and NPT ensured that candidate members for those suppliers regimes had already renounced the applicable weapons. China and Russia were exempted from the requirement to give up MTCR-class missiles because their status as NPT nuclear weapons states entitled them to possess nuclear delivery systems.
retain SLV programs (Davis tst. 1993; Bertsch & Zaborsky 1997; Bowen 1997; Jones & McDonough 1998; Sokolski 1995b, tst. 1996; Speier 1999; Washington Post 3/23/98; ). Such scepticism apparently was shared by DOD, which had vigorously opposed the policy of allowing new members to retain SLVs during (Speier int.; Wallerstein int.). Moreover, the recent decision to exempt Ukraine from having to forgo offensive missiles (Arms Control Today 3/6/98) has raised concerns that the administration is backing away from even these requirements, although it contends that Ukraine represents a unique case. Nonetheless, Washington indisputably remains the leading advocate of retaining stringent membership requirements to ensure that the Regime remains an effective supply-side cartel (Karika int.; Smoldone int.; [State] int.).

Washington’s main focus in recent years has been to enforce strict compliance and otherwise maintain the status quo. One new US initiative which is still being negotiated, however, has been to try to strengthen MTCR controls on stealthy cruise missiles (Gormley 1998; Khromov 1997). The United States has also supported a European proposal to modify the format of the Annex to correspond to European Union control lists in order to harmonise implementation.

Wider Export Control Norms

Persuading outside suppliers to implement export controls in line with MTCR norms has consistently been a critical priority for the United States. Indeed, even as it initiated the MTCR talks with the G-7, Washington was mindful of the need to secure cooperation from the two other major suppliers, the Soviet Union and China. However, fearing that Moscow and Beijing would make unacceptable demands if they were invited to participate in the negotiations – for example guaranteeing international access to SLV technology, or trying to prohibit US missile defence programs – the United States opted for a strategy of approaching them after the fact and inviting them to adhere unilaterally (Speier int.). This tactic was seen as relatively low risk from a proliferation standpoint, because the Soviets in particular were already practicing unilateral restraint in exporting missile technology (McNamara int.).

Once the MTCR was up and running, Washington made securing Soviet and Chinese cooperation one of its highest nonproliferation priorities. This effort began in earnest following the sale of Chinese CSS-2 IRBMs to Saudi Arabia in 1988 (Holmes tst. 1989a). The United States initiated talks with Beijing and Moscow in May 1988 to request a moratorium on any further sales of MTCR-class missiles to the Middle East (Washington Post 5/26/98). Secretary of State George Shultz followed this up several weeks later by requesting full-scale consultations with China on global missile proliferation (Washington Post 7/15/98). These initiatives led to a series of US–Soviet meetings beginning in September 1988 (Ozga 1994). Although China declined to participate in a similar process, the United States pressed Beijing on MTCR adherence at

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91 In 1995 Brazil became the first new member under this policy to join the MTCR while retaining its space launch program. Critics assert that, although designed to strengthen the effectiveness of the MTCR as a cartel by luring in as many suppliers as possible, this membership expansion policy facilitates intra-regime proliferation of relevant technology to countries who are both suppliers and receivers, particularly given the subsequent US failure to secure tougher controls on inter-partner trade.

92 This decision initially was opposed by virtually the entire nonproliferation bureaucracy, which was eventually overruled by senior officials concerned about damaging this key bilateral relationship (Bertsch & Zaborsky 1997; Fitzgibbon int.; Karika int.; Wallerstein int.).
nearly all high level bilateral meetings (Holmes 1989a).

As a result of these bilateral efforts, the United States and Soviets issued a joint ministerial communique in February 1990, and then signed a joint summit declaration in June, pledging to adhere unilaterally to the MTCR (which the Russian Federation reaffirmed in January 1991 following the collapse of the USSR.) The Chinese, on the other hand, would do no more than provide private assurances that they would refrain from exporting complete long-range missiles to the Middle East (Clarke tst. 1990; Ozga 1994). Getting a Chinese commitment therefore remained a priority US objective.

Washington also tried to promote MTCR adherence generally. It had explicitly invited all nations to adhere unilaterally when it first announced the MTCR, pursuant to the provision in the Guidelines to this effect, and in 1990 masterminded an invitation by the Regime partners collectively. In parallel to the central Sino–Soviet effort, the United States launched a bilateral campaign targeting other key non-members – both established suppliers (e.g. Switzerland, Sweden) and emerging suppliers (e.g. Argentina, Brazil, Israel) – urging them adhere to the MTCR as an international export control norm (Clarke tst. 1989; Verville tst. 1990). In the two years after the MTCR was set up, the United States conducted bilateral missile nonproliferation talks with at least ten non-member governments (Carus 1990). These efforts were largely unsuccessful though, with even close allies like Israel firmly rebuffing such overtures (Clarke tst. 1990).

After enacting unilateral missile nonproliferation sanctions in 1990 (see below), Washington adopted a de facto strategy of exchanging sanctions waivers and conditional future immunity, in return for formal bilateral agreements committing non-member governments to adhere to the MTCR.\(^\text{93}\) Largely due to this coercive tactic – in some cases reinforced with the carrot of access to the lucrative US space launch market – Washington was able to negotiate a series of export control agreements with key suppliers, including Israel (1991), Russia (1993), South Africa (1994), and Ukraine (1994) (Bertsch & Zaborsky 1997; Bowen 1997; Ozga 1994; Pikayev et al. 1998; State off. 1994; Washington Post 4/10/91).

The Clinton administration also used linkages to promote unilateral MTCR adherence. For example, the United States insisted on making such adherence a formal prerequisite for membership in the new Wassenaar Arrangement. Given that many states were extremely eager to join this successor to COCOM, governing conventional arms and technology transfers, this requirement created a powerful incentive for wider MTCR adherence (McNamara tst. 1995; Tarbel tst. 1995).

These same carrot-and-stick tactics have continued to produce only marginal results with China. In December 1991, in return for relief from recently imposed missile sanctions, Secretary of State James Baker III received a verbal promise from Foreign Minister Qian Qichen to adhere unilaterally to MTCR export norms. However, in seeking to formalise this commitment in writing two

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\(^{93}\) Immunity against future sanctions was provided by conferring on such countries the status of MTCR adherent for the purpose of US law, thus invoking the exception that the law provided for MTCR members (CRS off. 1997). Only countries that sign a formal bilateral MOU (i.e. not unilateral adherence) qualify for this status (Lumpe 1994). However, this immunity was conditional, in that the US reserved the right to revoke these agreements in the event of non-compliance.
months later, the Chinese backpeddled, agreeing only to abide by the original 1987 version of the Guidelines, and refusing explicitly to recognise any version of the Annex (Rennack off. 1996). Three years of intensive bilateral diplomacy at senior levels, along with a second sanctions waiver, yielded another Chinese ministerial statement in 1994 (Holm tst. 1998; McNamara int.). Unfortunately, this new pledge did little more than reaffirm Beijing’s equivocal stance.

In early 1998, Washington sought to resolve this issue once and for all, secretly proposing a grand bargain: The United States would provide an extensive package of incentives – including a blanket waiver to Tiananmen Square sanctions and guaranteed access to a much larger share of the US satellite launch market – in exchange for an unambiguous commitment to fully and faithfully adhere to MTCR standards. But when only weeks later allegations surfaced that this offer had been motivated by improper campaign contributions, it was quickly dropped (Arms Control Today 3/98; Washington Times 3/23/98, 4/29/98). Getting a firm Chinese commitment to adhere fully to the MTCR thus remains an unfulfilled US goal.

In recent years, the United States has also targeted North Korean adherence. During the 1994 Agreed Framework talks on nuclear proliferation, the chief US negotiator explicitly specified that restraining missile technology exports was a concern that the DPRK needed to address before implementation could move forward (Gallucci int.). Consequently, the United States has held several rounds of inconclusive bilateral talks in which it has sought adherence (US Cong. Senate. off. 1998; Washington Post 11/20/98, 9/13/99). However, US intelligence reports apparently indicate that North Korea apparently has continued to increase its missile-related exports during this process (Washington Times 10/28/99). Washington has recently also worked both bilaterally and through the MTCR to induce key transhipment countries (e.g. Singapore, Malta, Cyprus) to adhere unilaterally.

**National Enforcement Mechanisms**

In the total absence of multilateral compliance mechanisms for missile nonproliferation, the United States has been especially vigorous in its national enforcement efforts in this area. On average Washington sends up to twenty or more interdiction demarches per month on missile-related transfers – plus raising such in bilateral meetings – or more than twice the number for CW and BW combined ([State] int.). Indeed, the bureaucracy typically devotes more energy to bilateral enforcement than to multilateral issues (Karika int.; Smaldone int.). Interdiction targets include MTCR members, adherents, and other supplier or transhipment countries.

The United States sought to interdict missile-related transfers to developing regions even before it had a fully articulated missile nonproliferation policy. For example, in the 1970s it intervened bilaterally to block German and

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94 This odd formulation in essence nullifies any commitment. The 1987 Guidelines do not include CBW-capable missiles, nor the key concept of range/payload trade-off. Moreover, the Annex represents an essential implementing requirement for any version of the Guidelines.

95 The US has also sought a freeze on North Korea’s domestic missile programs, followed by a some type of peninsular disarmament arrangement. In an apparent sign of progress on what is essentially an arms control initiative, North Korea apparently has agreed to an interim freeze on further ballistic missile tests in exchange for sanctions relief (New York Times 8/18/99, 9/13/99; Washington Post 9/13/99).
Italian firms from assisting missile and SLV programs in the Middle East (Karp 1990). The Reagan administration began to intervene routinely to cut off foreign transfers to programs of concern after instituting a national missile nonproliferation policy in 1982. This required a high degree of delicacy, however, because most such transfers involved firms from the countries with whom Washington was secretly trying to negotiate the MTCR. Consequently the United States was hesitant to unsettle its negotiating partners (Speier int.).

Once the MTCR was announced, Washington dramatically sharpened, broadened, and institutionalised its interdiction efforts. It established a special interagency process, the Missile Technology Analysis Group (MTAG), to monitor intelligence and coordinate responses (Clarke tst. 1989). In the Regime’s first two years, the United States aggressively intervened against transfers by MTCR partners that were inconsistent with its interpretation of the Guidelines. For example, in 1989 the Bush administration sent a succession of increasingly senior delegations to Paris to protest planned sales of rocket engines and technology to the Brazilian and Indian space programs (Clarke tst. 1990; Ozga 1994). During this period it also sent demarches to block a series SLV-related transfers by German and Italian firms (Bowen 1997). This immediate post-MTCR period also saw interdiction involving non-adherent countries. For example, almost at once the United States launched an intensive bilateral campaign against transfers by Swiss front companies acting for Third World missile programs (Zimmerman int.). The United States also protested at the highest levels to Israel about its aid to the South African missile program (Sokolski tst. 1989b).

The primary focus of US enforcement efforts since the Gulf War has been to promote Russian and Chinese compliance with their respective MTCR-related commitments. In December 1990, the Bush administration protested forcefully against Soviet plans to sell cryogenic engines and technology to the Indian space program. After the collapse of the USSR, Secretary of State Baker raised this issue in one of his first meetings with the new Russian foreign minister, warning that it was a grave bilateral irritant, while at the same time hinting at greater space cooperation if the deal was terminated. 96 Although the Bush administration subsequently imposed nonproliferation sanctions, and in parallel liberalised Russian access to US satellite launches, the Yeltsin regime refused to back down.

Responding likewise to Chinese plans to sell M-9 and M-11 missiles to Syria and Pakistan respectively, Secretary of State Baker used unusually harsh diplomatic language in a public warning that such transfers would have ‘profound consequences’ for the overall Sino–American relations. He then dispatched a senior aide to Beijing to privately deliver this message (Washington Post 6/13/91). In response, China agreed to abandon both deals, ostensibly resolving the issue (Fitzgibbon int.).

The Clinton administration inherited the active dispute with Russia over its planned sale to India, giving it considerable attention at senior levels (Gallucci int.; [NSC] int.). Carrying forward the carrot-and-stick approach of his predecessor, Secretary of State Christopher successfully negotiated a

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96 For a comprehensive study of this issue see Pikayev et al. (1997). Interestingly, these authors assert that this dispute was the primary factor in ending the pro-Western orientation of the Russian Federation.
settlement in mid-1993. Both Vice President Gore and President Clinton had been directly involved in the negotiations, during which the United States threatened to broaden existing sanctions, cut off wider financial aid, block Russian entry into GATT, and delay COCOM liberalisation. Under the final package, the Russian entity, ISRO/Glavkosmos, was permitted to sell a specified number of rocket engines to India. Additionally, Russian space launch providers received a higher quota of commercial space launches, and the Russian Space Agency was invited to join the International Space Station project. All told, almost a billion dollars worth of incentives were used. In return, Moscow agreed to cancel plans to transfer production technology along with the engines, as well as to formalise its MTCR adherence in a bilateral agreement that included a compliance mechanism to resolve any future disputes (Pikayev et al. 1998).

Despite these ostensible successes, covert Russian and Chinese transfers have continued to prompt almost constant US enforcement actions in recent years. For example, over the past several years US officials have raised at every opportunity specific cases of ongoing assistance by Chinese entities to the Iranian and Pakistani missile programs (Washington Post 11/13/98; Washington Times 12/7/98). Allegations of massive Russian assistance to missile programs in Iran and elsewhere have also been an increasing source of US concern. Following dozens of formal diplomatic protests over at least two years, Vice President Gore raised the issue during a meeting with then Prime Minister Victor Chernomyrdin in February 1997. In the following months, President Clinton, Vice President Gore, and Secretary of State Albright repeatedly pressed their counterparts to take action to cut off these transfers. Finally, in July 1997, presidents Clinton and Yeltsin agreed to appoint special envoys to resolve the problem. Following two years of regular meetings, Russia agreed to allow US teams to monitor its implementation of export controls. It is unclear, however, whether Washington is satisfied that its concerns have been addressed (Clinton off. 1998, 12 November; Commission off. 1998; Einhorn tst. 1997; New York Times 4/27/98, 12/17/98; Reuters 4/25/98; US Cong. Senate. off. 1998; Washington Post 1/18/98; 2/12/98; Washington Times 12/15/98).

Although US interdiction efforts have relied mainly on bilateral diplomacy, it has also been willing occasionally to use more muscular tactics. In January 1992, Washington provided intelligence that enabled Israel to turn back a North Korean ship thought to be delivering missile-related equipment to Syria by threatening to sink it (Washington Times 1/24/92). A few months later, the United States itself publicly threatening to intercept a North Korean freighter suspected of carrying missile-related equipment to Iran and Syria. However, a US military task force searched for ten days without finding the ship, which then managed to deliver its cargo (Washington Post 3/8/92, 3/12/92, 3/14/92; Washington Times 3/10/92, 5/18/92, 7/16/92). Following this debacle, the United States resorted to acting through transhipment governments, rather than attempting to seize shipments directly. For example, after Moscow refused US requests to block a sale of Russian rocket fuel precursor to Libya in early 1993,

97 President Clinton named Ambassador Frank Wisner, a recently retired senior diplomat, as his special presidential envoy for Russian missile proliferation. Yeltsin appointed Yuri Koptev, the head of the Russian Space Agency. In 1998 Wisner was replaced by Ambassador Robert Gallucci, another retired senior diplomat.

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Beginning in 1990, the United States reinforced its interdiction efforts with nonproliferation sanctions. Congress first considered missile sanctions legislation in 1989. As with CBW sanctions, the Bush administration supported the idea in principle, but opposed automatic triggers. It also vigorously opposed any sanctions that would target MTCR members, arguing that this would impair cooperation within the Regime (Clarke tst. 1989; Executive Office of the President off. 1989, 4 May; Wulf tst. 1989b; Sokolski tst. 1989b). The administration worked with Congress to develop legislation that addressed the latter concern by exempting MTCR members. Although still not pleased by its automatic requirements, the White House did not veto the Missile Technology Control Act when it was attached a major authorisation bill in November 1990.

Although strictly unilateral, US missile sanctions are explicitly tied to violations of MTCR standards. The United States tried to get the MTCR to adopt a similar measure multilaterally, but was unsuccessful. Failing this, it urged MTCR governments to institute comparable national measures ([DFAT]int.).

The US missile sanctions law requires severe automatic sanctions for a period of two years against foreign entities (e.g. companies) that knowingly supply or receive MTCR Annex items that contribute to a Category I program in a non-MTCR country.98 It makes no allowances for economic or political considerations, only allowing the President to waive sanctions if doing so is deemed ‘essential for US national security’99 It has been amended on several occasions to broaden its scope and to close perceived loopholes. For example, the so-called Helms Amendment extends sanctions to all missile-related industries in states with non-market economies (e.g. China), making sanctions potentially worth billions of dollars in lost trade (CRS off. 1997; OSD off. 1997). In addition, the Bush and Clinton administrations have supplemented this law with additional discretionary sanctions through various executive orders. All in all the missile area has the toughest nonproliferation sanctions on US books.

The Bush administration set about using this new enforcement tool with marked zeal. Just two years after enactment, it had imposed sanctions on ten separate occasions, including against entities from Russia, China, India, South Africa, Israel and Pakistan (Ozga 1994).

The Clinton administration likewise pledged: ‘We are prepared to pursue our nonproliferation goals vigorously even when such efforts involve sanctions and may risk friction in critical bilateral relationships’ (Davis tst. 1993: 3–4). In

98 For transfers of Category II items, the sanctioned entity is restricted from receiving any MTCR Annex items from the United States. In the case of Category I transfers, the entity is banned from receiving virtually any weapons-related items. If the transfer is deemed to have made a substantial contribution to the Category I program, the entity is also banned from exporting to the United States.

99 This extremely high waiver threshold is much stricter than for CBW sanctions, which merely require a waiver to be in US national interests. Moreover, the President is required formally to justify all such waivers to Congress.
the intervening years, however, it has been widely criticised for its reluctance to punish missile-related transfers, legal obligations notwithstanding. For example, in the four years from 1994-1997, the US has imposed sanctions only twice, and then only against North Korean and Iranian entities, which were already covered by blanket trade embargos (Jones & McDonough 1998).

Criticism of the administration’s record on missile sanctions has centred in particular on its reluctance to sanction Chinese entities for assisting Pakistan and Iran. Allegations that the bureaucracy has been pressured into finding loopholes to avoid sanctioning Chinese entities are borne out by several interviews. A former senior intelligence official – who press reports indicate had antagonised the White House by providing unwelcome information on Chinese transfers – also substantiated such claims in recent Congressional testimony (Washington Post 10/22/97; Washington Times 6/12/98). In fact, President Clinton inadvertantly admitted as much himself, remarking (unknowingly) in front of a reporter that automatic sanctions have created ‘an enormous amount of pressure in the bowels of the bureaucracy to fudge the finding’ (New York Times 4/28/98, p. 1). Nevertheless, Washington has continued to use the threat of sanctions to pressure China to cut off transfers, and Congress is likely to press the administration to respond forcefully to any future Chinese transfers.

Alarmed by what it perceived as Moscow’s wanton miscreance in permitting Russian entities to assist missile programs in Iran, India, and China, Congress moved to enact a new missile sanctions law in mid-1998. This in effect would have revoked Russia’s immunity as a MTCR member. The measure passed with veto-proof bipartisan support (90-4 in the Senate and 392-22 in the House), but President Clinton vetoed it. The White House then deftly circumvented a near certain Congressional override of this veto by pre-empting it by imposing discretionary sanctions on nine Russian entities (Arms Control Today 6-7/98; Associated Press 7/15/98. Less than six months later, the administration imposed such sanctions on two additional entities, prompting angry protests from Moscow (Washington Post 1/14/99).

Other Capability-denial Responses

Other than the general targeted initiatives discussed in Section 1 (e.g. ACME) there have been no apparent cases where the United States has tried to foster such arrangements specifically against missile programs.

It is unclear if the United States has ever used or sanctioned sabotage against missile programs other than in the special case of the Gulf War. There has certainly never been any official confirmation, or even threat, of such

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For example, in the face of overwhelming evidence that China had transferred M-11 missiles to Pakistan in contravention of its bilateral commitments, the White House in 1993 opted to impose lesser Category II sanctions for the transfer of M-11 equipment, claiming it lacked sufficient proof that complete missiles had been shipped. Moreover, it further reduced these Category II sanctions by removing satellites from the list of banned exports. (The net effect of these manoeuvres was to reduce the economic impact of the sanctions that were imposed by approximately ninety percent.) The White House then continued to resist imposing Category I sanctions despite the accumulation of additional evidence from multiple intelligence sources that: additional complete missiles had been transferred; these missiles had become operational; nuclear warheads had been successfully developed for them; and, that China was helping Pakistan build a complete M-11 production facility (New York Times 6/12/98; Rennack off. 1996; Speier 1999; Washington Post 7/3/95, 8/3/95; 6/18/96, 8/25/96; Washington Times 8/26/93, 6/12/96, 6/15/98). The administration has also apparently failed to act on evidence that Chinese evidence have provided ongoing assistance to Iranian missile programs since at since at least 1995 (Washington Post 6/17/95; US Cong. Senate. off. 1998).

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activity. That said, a former official notes obliquely that there was a series of 'mysterious explosions' at facilities associated with, or providing assistance to, the Condór project in the late 1980s, hinting that this may have involved some type of covert anti-proliferation activity by the United States or some other country (Speier int.).

**Non-possession Norm-building**

**Global Missile Treaty Proposals**

The United States has been a longstanding opponent of proposals to try to augment supply-side missile nonproliferation with a global treaty-norm. This idea was first proposed by other G-7 governments during the MTCR negotiations. According to the chief US negotiator, however, Washington refused even to consider this proposal. The US responded that a ban would not address the problem because missile *technology* posed a greater threat than finished missiles. In addition, it argued that the Third World would never agree to an acceptable missile ban, because: 1) the US and other NPT nuclear states insisted on retaining nuclear delivery systems (i.e. necessitating a 'have/have-not' arrangement); 2) the United States refused to distinguish between missiles and SLVs (i.e. necessitating a ban on civilian technologies which the Third World would see as perpetuating technological dependency); and 3) missiles were not seen as actual weapons in and of themselves (McNamara).

In the late 1980s, as the bilateral INF negotiations were reaching fruition, Assistant ACDA Director Kathleen Bailey was a lone voice in the interagency pushing to multilateralise INF into a nonproliferation norm, even going so far as to have her staff draft an illustrative text. However, the rest of the interagency argued that a global norm would undermine the MTCR, while not contributing much in return. Because all agencies staunchly opposed the idea, and it was never strongly backed by top echelons within ACDA, the Bailey proposals never received serious consideration (Hinds int.; Smoldone int.).

The first meaningful deliberation on the merits of seeking a global ban occurred in the context of the incoming Bush administration's review of arms control and nonproliferation in 1989. However, officials expressed public scepticism about the concept even before finishing this review (Hinds tst. 1989a; Lehman tst. 1989; Wulf tst. 1989a). Predicably, since the United States was unwilling to give up missiles beyond its bilateral obligations, and the review reaffirmed the longstanding technical assessment that SLVs could not be safeguarded against missile applications, the interagency concluded that a discriminatory 'have/have-not' treaty, prohibiting SLVs as well as missiles, was not negotiable on acceptable terms (ACDA & State tst. 1990; Speier int.). In the end, Washington satisfied itself with a joint statement with the Soviet Union opining that INF demonstrated to other nations that eliminating missiles could enhance common security (US & USSR off. 1990).

The idea of a global non-possession norm was resurrected by Canada within the MTCR, taking up an initiative first raised by Australia. At the 1994 MTCR plenary Ottawa called on partners to endorse negotiating a universal

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101 That said, an apparently off-hand reference by President Reagan to his dream of one day achieving a world free of missiles at the 1986 Reykjavik Summit prompted a brief flurry of academic debate. See for example various articles in the summer 1987 *International Security*. 

**International Security**
legal instrument banning INF-range ballistic missiles. This proposal envisioned a NPT-like ‘rockets-for-peace’ arrangement, with intrusive multilateral verification combined with a codification of the legal right to develop and possess civilian SLVs (Canada off. 1994; Sinclair off. 1995).

The Canadian initiative led to yet another lopsided interagency debate in Washington. The departments of State, Defense, and Commerce reaffirmed their absolute opposition to even exploring the idea. ACDA was divided, with the nuclear arms control office (whose traditional bilateral business was drying up) expressing interest at the working level, while the nonproliferation bureau sided with the rest of the interagency. Opponents rehearsed familiar arguments that negotiations would put pressure on the United States to put its own residual missiles above and below the INF thresholds on the table, for a treaty that, if it legitimised SLVs, could do more harm than good by undercutting existing supply-side nonproliferation. Once again, the interagency quickly and decisively reaffirmed its resolute opposition (Smaldone int.; [State] int.).

The United States responded negatively to a follow-up Canadian initiative in early-1995 to convene a special intercessional seminar to consider further its proposal before the next plenary meeting. It circulated a highly critical paper to all of the MTCR members, laying out an array of objections (DFAT off. 1995, 7 April). Although the Canadians pressed ahead with a seminar, they withdrew their proposal from consideration in the face of near-consensus opposition, led by the United States (Darling int.; Speier 1999). Washington was satisfied with this outcome, and continues to have no inclination to reconsider its position (Fitzgibbon int.; Smaldone int.; [State] int.).

Other Non-possession Responses

While it has consistently opposed trying to create a global non-possession norm, the United States has fitfully tried to promote non-possession in ways that would not undermine either supply-side strategies, or its own national interests. For instance, in late 1988 the United States offered to sponsor missile-related arms control talks for the Middle East (Washington Post 12/28/98). In early 1990 the United States and Soviet Union renewed this effort by jointly offering their ‘good offices’ to promote regional missile talks (US & USSR off. 1990). Following the Gulf War, the ACME initiative likewise envisioned Middle East states agreeing to implement a regional missile-freeze as a first step to some type of missile-free-zone arrangement (White House off. 1991, 21 May).102 The US subsequently made similar ‘good offices’ efforts to sponsor regional missile talks for South Asia and the Korean Peninsula (US Cong. Senate. off. 1998; Wulf tst. 1993). But none of these initiatives so much as got off the ground, because key regional states showed no inclination to renounce their missiles.103

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102 Along with other WMD, missiles in theory were included in the long-term agenda of the US-sponsored Arms Control and Regional Security (ACRS) Working Group of the Middle East peace process. There is no indication, however, that this issue was ever addressed before ACRS was discontinued.

103 Although since April 1996 North Korea has sporadically participated in bilateral missile talks with the United States, until recently it has only been willing to discuss curtailing exports, categorically rejecting US attempts to introduce its indigenous missile programs to the agenda. The US recently offered a substantial package of carrots and sticks to induce North Korea to negotiate about its missiles (Washington Post 6/26/99). In an apparent breakthrough, North Korea recently agreed to discuss, and appears now to have signed on, to what amounts to an interim testing freeze at the most recent round of talks (New York Times 8/18/99, 9/13/99; Washington Post 9/13/99).
In addition to regional initiatives, the United States has opportunistically pressured friendly countries to forgo missile programs. For example, the Bush administration was able to use bilateral leverage to get a formal commitment from South Korea to forgo trying to acquire MTCR-class missiles (Bowen off. 1991).\textsuperscript{104} Argentina likewise was pressured into abandoning the Condór II program, including allowing US destruction of its eleven unfinished missiles (Escudé 1998). South Africa not only was pressured into giving up its missiles, but also its space launch program and associated infrastructure, and to submit to supervised destruction. Washington used incentives as well as coercion, paying for the destruction of missiles and associated infrastructure in several countries (State off. 1999). By 1991, the Bush administration reported that its bilateral efforts had eliminated up to eight missile programs (Clarke tst. 1991).

In 1993 the Clinton administration formalised this policy through its MTCR membership criteria. This represented a conscious effort to use the MTCR to build a \textit{de facto} non-possession norm (Davis tst. 1993; [NSC] int.; [State] int.; Wallerstein int.). ‘That’s really a unilateral US norm...in the nascent stage’, a State Department official observes, ‘But in effect we’re trying to create a possession norm’. This same official notes that, by allowing these countries to retain SLVs, this policy poses some of the same risks as a global treaty norm. However, these are greatly reduced because it is narrowly targeted, with the United States having absolute say over who joins, and openly discriminatory, with the United States and other existing members remaining ‘haves’ (int.).

Even so, the policy has been controversial, sparking strong bipartisan protests in Congress requiring personal intervention by Vice President Gore. It also was opposed by some within the interagency. These critics asserted that it was a mistake to try to tack on a cooperative non-possession dimension to the MTCR, because this could detract from its primary supply-side function ([NSC] int.; Sokolski tst. 1996; Wallerstein int.). Moreover, according to a former official, the administration subsequently backed away from aggressively promoting the MTCR as a global non-possession norm: ‘In retrospect...they took a wrong turn...and then realised that in fact this made no sense and that it could have negative ramifications’ (Wallerstein int.).

\textbf{Consequence-Mitigation}

\textit{Counterproliferation}

Because missiles are not weapons in themselves, deterrence does not apply to them directly, but rather is calibrated to the weapons they deliver. By the same token, missile (and air) defence is one of the main countermeasures against all types of WMD, and virtually the only way to protect against nuclear weapons. Consequently, missile defence programs have been a cornerstone of US counterproliferation efforts, representing a staggering $100 billion investment to date (\textit{New York Times} 5/24/99).\textsuperscript{105}

Like the other elements of counterproliferation, missile defence concepts

\footnotesize\textsuperscript{104} The so-called NHK-II Arrangement actually restricts South Korean missiles to below a range of 180km, well below the MTCR’s 300km limit. This Bush era agreement apparently formalised a 1979 understanding that Washington obtained after discovering that Seoul had covertly converted US-supplied Nike Hercules air-defence missiles into an offensive ground-to-ground system (Jones & McDonough 1998).

\footnotesize\textsuperscript{105} Including SDI expenditures during the Cold War.
originated during the Cold War. President Reagan’s original Strategic Defense Initiative (SDI) envisioned an impenetrable strategic shield that would eliminate reliance on deterrence to protect the United States against a massive nuclear attack. However, the Bush administration reoriented SDI to primarily a counterproliferation role with its global protection against limited strikes (GPALS) focus (Clarke tst. 1991; Bush off. 1992). The Clinton administration continued this trend, symbolically recasting SDI as ballistic missile defence (BMD) – a term encompassing both theatre missile defence (TMD) and national missile defence (NMD), the latter representing a truncated version of the original SDI concept – and merging this concept into its overall counterproliferation initiative.

From 1995 to 1997, the US intensified its emphasis on TMD, expanding and accelerating programs against both ballistic and cruise missiles. These incorporate an array of major weapons systems in various stages of development, including Patriot Advanced Capability-3 (PAC-3), Navy Area Defense, Theater High Altitude Area Defense (THAAD); Navy Theater Wide Defense; Medium Extended Air Defense System (MEADs); and HAWK Air Defense System. The TMD program also includes research into advanced concepts such as airborne laser weapons. Many of these programs involve cooperative efforts with allies such as Japan (OSD off. 1996, 1997a). The United States also has funded Israel’s highly promising Arrow-2 system (New York Times 9/15/98).

The United States also has continued to pursue NMD against both residual and emerging threats. In the mid-1990s the Clinton administration instituted a plan, dubbed 3-plus-3, that called for developing such a system so that, by the year 2000, it could be fully deployed on three years notice. The 1997 Quadrennial Defense Review called for an additional $2 billion for NMD to ensure that this schedule could be met (Disarmament Diplomacy [17] 1997; OSD off. 1997a).

The 3-plus-3 program implicitly reflected the assumption of a 1995 intelligence estimate (NIE-95-19) that emerging missile programs did not pose a short-term homeland threat to the United States. However, as this assumption was increasingly undermined by rapid advances in missile programs in countries like Iran and North Korea, Congress began to press for faster action. In response, the Pentagon’s January 1999 budget proposal added $7 billion over six years (New York Times 1/7/99). At the same time, the Senate passed a measure with overwhelming bipartisan support to force the administration to significantly accelerate scheduled deployment. Following a parallel House bill passed several weeks later with a similar majority, the administration agreed to field NMD systems as soon as technologically feasible (New York Times 3/17/99, 3/18/99, 3/19/99, 5/21/99).

Recent technological breakthroughs appear to make both TMD and NMD imminent prospects. Two successive successful tests of the prototype THAAD system, in both the upper atmosphere and space, and a similar success for the Patriot 3, ended a string of technical failures (New York Times 6/11/99; Washington Post 6/11/99, 8/3/99, 10/4/99). Based on these successes, the Pentagon has announced that it will move immediately to move THAAD into the production stage (Washington Post 8/20/99). Subsequently, the first successful test of a prototype NMD system was conducted, knocking out an ICBM in space over the Pacific, more than four thousand miles from its launch site.
The US commitment to NMD entails high diplomatic costs, in that it will require either renegotiation or abrogation of one of the oldest bilateral arms control instruments, the ABM Treaty. Then Secretary of Defense Aspin acknowledged this likelihood the counterproliferation initiative was launched in 1993 (CWC Bulletin [23] 1994). The United States formally proposed major revisions to the ABM in January 1999 (New York Times 1/21/99, 1/22/99). Washington has subsequently pressed Moscow at the highest levels for quick results, stressing that this represented an urgent priority (Washington Post 6/22/99, 6/29/99).

SECTION 5: SUMMARY FINDINGS

The US approach to anti-proliferation has consistently relied on a mutually reinforcing combination of capability-denial and consequence-mitigation strategies over the non-possession norm-building approach. Washington has used the full spectrum of capability-denial instruments, including: frequently instituting national export controls beyond multilateral requirements; consistently pushing for the creation and strengthening of tough suppliers regimes; consistently using a variety of bilateral and multilateral tools to push for wider export-control norms beyond the suppliers groups; repeatedly trying to establish more stringent targeted strategies (e.g. ACME, rogue states); undertaking constant national enforcement actions with a variety of tools (e.g. interdiction, sanctions) and at all levels; and, occasionally threatening or using sabotage/destruction against emerging capabilities. This has been the case over time and across the different proliferation areas. It has also pursued every possible avenue of proliferation management to respond to what it sees as increasing proliferated capabilities.

Although the compromises that have emerged from the adversarial, frequently chaotic US interagency process, as well as Congressional versus Executive Branch interaction, have led to frequent and erratic policy lurches on minor issues, these have occurred within the parameters of the above preferences. Moreover, the perspectives of individual agencies within the interagency system, and to a lesser extent among a bipartisan majority in Congress, have remained remarkably constant over almost two decades. Likewise, while major policies have evolved over time – particularly in response to dramatic events in the international environment such as the Gulf War, as well as the internal policy reviews accompanying changes in administration – the unifying pattern has always been to emphasise strict nonproliferation, augmented by proliferation management. To the extent that decisions have been made that subverted such tools, these have not been in favour of alternative normative instruments, but rather competing national priorities (e.g. trade, bilateral relationships).

Washington nonetheless has increasingly recognised the importance of non-possession norms as a complementary approach, not least as a means to bolster capability-denial efforts. As one State Department official observes:

We are legitimised in trying to interdict shipments and

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106 It is arguable, however, that this recognition is relatively recent. Given that prior to the Gulf War, the United States saw the BWC and CWC almost exclusively in terms of bilateral disarmament, capability-denial may be seen as the only US proliferation response during the Reagan and early Bush periods.
sanctioning people and controlling exports and all of that because there is this global norm...and so that fact helps us do all these other things that really carry the bulk of the nonproliferation effort (int.).

However, it has displayed varying inclinations to institutionalise normative instruments across the different proliferation areas, largely depending on different technical assessments regarding the susceptibility of relevant technologies to cheating and break-out, as well as the costs involved to its own perceived national interests (e.g. preserving its missile force).

This consistency in applying strict nonproliferation across the different areas, while differentiating its support for cooperative non-possession norms, reinforces the conclusion that the latter represents a subsidiary anti-proliferation strategy. The proof of this is that whereas Washington has repeatedly been willing to undermine normative instruments to bolster capability-denial and consequence-mitigation, it has in virtually every instance resisted damaging the latter for the sake of the former.

Washington also has consistently been unwilling to pay other high costs (e.g. exposing commercial or national security secrets) in order to secure or strengthen non-possession instruments. For example, in part because of such costs, the United States resisted highly intrusive verification arrangements for the CWC, and continues to resist a full-scope verification regime to strengthen the BWC. By contrast, the United States has been willing to expend vast political and economic capital on developing and enforcing capability-denial instruments, and building counterproliferation and deterrent capabilities.

Even the conditional support that Washington has given to applicable normative treaty instruments would have been less than was the case had it not been for idiosyncratic factors. It is unlikely that the United States would ever have gone along with the complexity of current CWC arrangements if it had not inherited an even more intrusive structure from its own bilaterally-oriented disarmament proposals from the Cold War period. Even so, it is clear that the United States would never have agreed to the CWC had it not been for the idiosyncratic determination of President Bush. Likewise, the current US willingness to consider upgrading the BWC with intrusive features, albeit extremely tepid, has seemingly only occurred because a single NSC staffer has been willing and able to override the interagency consensus. Finally, the interagency would never have even thought about various versions of a multilateral missile ban had it not been for the singular determination of one ACDA official.

In summary, the United States has strongly favoured the capability-denial approach across the board, supplemented by robust consequence-mitigation strategies, with sometimes reluctant support for norm-building as a supplementary approach.
CHAPTER 5
AUSTRALIAN PROLIFERATION RESPONSE

The purpose of this chapter is to provide a comprehensive account of Australian responses to proliferation. Its structure parallels the prior chapter.

SECTION 1: OVERVIEW

General Priority

Non-nuclear proliferation response priorities have been set by successive Australian governments with almost no outside pressure or even attention. No Parliamentary committee has ever held a relevant oversight inquiry.¹ Few pertinent questions have ever been posed during Parliamentary debate.² As for the press, other than post-Gulf War stories about Iraq, there has been relatively little coverage of either relevant proliferation threats, or policy responses by Australia, its anti-proliferation partners, or the international community generally. For example, since 1992 the Sydney Morning Herald has carried only sixteen stories mentioning any aspect of CB/M proliferation.³ During the same period, there were just over twenty stories reporting on responses to proliferation – the majority about US nonproliferation sanctions against China – only one of which involved action taken by the Australian Government. Priorities therefore have been internally rather than externally driven.

Unlike most of its Western counterparts, Australia displayed relatively little interest in disarmament and nonproliferation during the 1960s and 1970s (Siracusa & Cheong 1997).⁴ This changed at the bureaucratic level once the Department of Foreign Affairs (DFA) began to participate directly in multilateral disarmament negotiations when Australia joined the CD in 1979 (Findlay int.).

Nuclear disarmament became a national priority following the election of the Labor government of Bob Hawke in 1983. This emphasis was generated at the highest political levels and handed down to the bureaucracy to implement. However, such political attention was narrowly focused on nuclear issues: primarily superpower disarmament, and secondarily nuclear nonproliferation (Butler 1990, int.; Harris int.; [DFAT] int.; Walker int.). For example, a 1986 Parliamentary report (Parliament off.) on national disarmament priorities only mentions non-nuclear issues in passing.

The reasons for the Hawke government’s keen interest in nuclear

¹ As noted above, a report in the mid-1980s by the committee with oversight authority for foreign and defence policy (Parliament off. 1986) concentrated heavily on nuclear disarmament, with nuclear proliferation receiving secondary attention, and other types of proliferation mentioned briefly or not at all.
² Based on a subject-index review of both the House and Senate Hansards and multiple key-word searches of the Parliamentary Library’s comprehensive on-line database.
³ Data on other newspapers are not readily available, because the Sydney Morning Herald is the only indexed newspaper in Australia. However, as one of the major national newspapers, it seems reasonable to infer that its coverage is representative of other outlets.
⁴ For example, Australia dawdling five years before ratifying first the NPT and then the BWC. It was particularly unenthusiastic about the NPT because at the time it still had its own nuclear aspirations (Walsh 1997). Since it had no such ambitions regarding BW (see Appendix 2), it is unclear why Australia failed to ratify the BWC until 1977 other than general disinterest. At the same time, Findlay (1991b) notes that even in this context of general disinterest in disarmament, Australia had always maintained an interest in limiting CW because of its experiences in World War I.
disarmament were largely rooted in internal Labor Party politics.\(^5\) Prime Minister Hawke was determined to shed Labor’s anti-American image by promoting a strong bilateral security relationship. However, the Party’s left wing fiercely opposed the ANZUS alliance generally, and the Joint Facilities in particular, as well as Australia’s role as a major exporter of nuclear material.\(^6\) Hawke and his foreign minister, former Labor leader Bill Hayden, therefore explicitly regarded anti-nuclear activism as a means to placate this core political constituency on these issues (Butler int.; [intelligence] int.; Harris int.; Mediansky 1992; Miller 1988; Walker int.; White int.).\(^7\) Accordingly, Hayden created a high-profile position of roving Disarmament Ambassador, making it clear to the first incumbent that the job had a critical domestic component.\(^8\) Indeed, although based in Geneva, Ambassador Richard Butler spent a significant portion of his time back home on speaking tours (Butler int.).\(^9\)

The domestic disarmament imperative had largely dissipated with the thawing of the Cold War beginning in the mid- to late 1980s. But as one long-time senior official observes, by then it had become a habit within the bureaucracy (White int.).\(^10\) Although nuclear disarmament had been the priority in all of this, the growth of disarmament assets and expertise at DFA had a spill-down effect. Because activism in other areas bolstered Australia’s exposure in disarmament fora, such efforts were seen to complement its nuclear disarmament agenda. For this reason, soon after taking office Foreign Minister Hayden instructed the disarmament bureaucracy to boost Australia’s international profile on any and all disarmament issues (Gee int.). Consequently, non-nuclear issues, particularly CW disarmament, became supplementary priorities at the senior bureaucratic level as early as the mid-1980s.\(^11\)

\(^5\) Unlike in the US system where party factions exert only nominal influence other than indirectly as the constituents of elected officials, internal factions within the Labor Party can exert almost continuous, direct influence between elections through consensus resolutions at biannual party conferences (Evans & Grant 1991).

\(^6\) The Joint Facilities are jointly operated US–Australian military intelligence-gathering installations in Australia integrated into the US strategic warning system. In addition to being perceived by the Australian public as contributing to US nuclear force posture, these facilities were thought (correctly) to be targets for a Soviet nuclear strike.

\(^7\) The resonance of the nuclear disarmament issue at the time was borne out in 1984, when more than half a million Australians turnout out for anti-nuclear demonstrations, and the upstart Disarmament Party won nearly seven per cent of the national vote with nuclear disarmament as its single issue (Siracusa & Cheong 1997; White int.).

\(^8\) The formal title of this position is Ambassador to the United Nations for Disarmament, accredited to both the Conference on Disarmament and the United Nations and responsible for virtually all arms control, disarmament, and nonproliferation matters.

\(^9\) At the same time, Prime Minister Hawke privately warned Butler to avoid damaging the broader bilateral relationship with Washington (Butler int.). Australia therefore tried to strike a delicate balance between pushing the anti-nuclear envelop (and domestically being seen to do so) while not antagonising its nuclear ally.

\(^10\) As noted elsewhere, in the Australian system all officials other than the actual Minister are career civil servants. This is a dramatic contrast to the US system, where political appointees dominate senior levels, and extend all the way down to the mid and even working levels. Consequently, the bureaucracy is far more influential in Canberra than in Washington.

\(^11\) Desk officers through section directors are generally referred to herein as working-level, assistant secretaries as mid-level, and first assistant secretaries or above as senior-level. Ministers and department secretaries are sometimes referred to as top- or high-level. See Annex 1 for comparison of Australian and US official ranks. It should also be noted that, whereas even mid-level positions in the US are typically occupied by political appointees, Australia’s career bureaucracy extends to the department secretary level, meaning that only Ministers have an overtly political mandate.
The focus on non-nuclear issues was reinforced in the late 1980s by the ascension of the follow-on Labor government of Paul Keating, whose new foreign minister, Gareth Evans, was eager to make his own mark, and therefore less invested in his predecessor’s nuclear priorities. By the early 1990s, the non-nuclear proliferation areas had officially been accorded equal priority (Jones int.), and in the case of CW in reality received more attention (Evans int.; [DFAT] ints.).

Unlike in the nuclear area, where an East–West nuclear exchange could threaten Australia directly, the focus in the other areas as early as the late 1970s was on horizontal proliferation rather than the Soviet threat and associated East–West disarmament. This focus was derived from a perceived security imperative to keep WMD, particularly CW, out of Australia’s strategic region (Butler int.; Findlay int.; Harris int.; Reese int.; Walker int.; White int.). At the same time, regional proliferation was not seen to pose any immediate threat in the 1980s. Canberra therefore perceived proliferation as a latent problem that needed to be pre-empted, rather than as the kind of clear and present danger that forward-deployed American forces faced (White int.).

Even after global proliferation rose to the fore of the international agenda in the early 1990s, Australia’s main concern remained regional and prophylactic. A succession of Defence white papers have identified preventing WMD proliferation in Australia’s immediate region (Southeast Asia and the South Pacific) as a key strategic interest, while noting the absence of any such threat (Defence off. 1987, 1994, 1997). Consequently, although proliferation response has unquestionably been an important priority, it nonetheless has not been at the very top of the Australian national security agenda. For example, throughout the 1990s anti-proliferation has been a lower priority for senior DFAT officials than efforts to strengthen regional security architecture ([DFAT] int.).

Australian anti-proliferation priorities remained unchanged with the advent of the conservative Coalition government of John Howard in 1996, both in terms of both declaratory policy and resource allocation (ints.). Although the new government’s foreign policy white paper promised to realign priorities to stress national interests rather than altruistic concepts such as good international citizenship, it explicitly identified preventing proliferation regionally, and implicitly by extension globally, as representing just such a pragmatic national interest (DFAT off. 1997).

12 The strategic relevance of the Joint Facilities made them a likely direct target of any large-scale Soviet nuclear strike. Moreover, beginning in the mid-1980s, the ‘nuclear winter’ theory suggested that even a nuclear exchange between the US and USSR could harm Australia. In contrast, even a large-scale CW confrontation would have been limited to Central Europe.

13 Other than a serious but brief scare beginning in the very late 1980s that some regional countries were flirting with CW and missile programs, Canberra has never confronted proliferation locally (Berry int.; Dorling int.; [ONA] int.; [DFAT] int.; [DOD] int.; White int.). According to a former top ONA official, the most serious threat perceived is that North Asian proliferation might some day create a domino effect leading to proliferation closer to home (int. Reese). That said, long-time senior Defence official Hugh White (int.) notes that DOD in principle also has been concerned that Australian forces could conceivably face CB/M threats if deployed to support a coalition conflicts in distant regions such as the Persian Gulf. But he notes that this represents perhaps ten per cent of the concern about proliferation, compared with the ninety per cent for keeping the immediate region WMD-free.

14 The political alliance between the two major centre-right parties, the Liberal Party and the National Party, is referred to as the Coalition.
General Doctrine and Policy Initiatives

Canberra has never promulgated a formal anti-proliferation doctrine as such. However, there has been a cohesive, longstanding national consensus on the means by which to pursue Australia's interests in preventing proliferation in Southeast Asia. The linchpin of this strategy has been that the best way to prevent regional proliferation is to conduct a pre-emptive forward defence by promoting global nonproliferation measures. From the very start this effort has centred on building and strengthening cooperative norms against possession.

Australia provided a cogent summary of this strategy in a 1990 classified presentation to Washington:

Australia's preferred approach to non-proliferation is multilateral, seeking to achieve conventions which would contain the spread of weapons of mass destruction, and lock in to specific agreements the maximum number of countries. We would wish to avoid alienating Third World countries in the process of checking weapons proliferation, if only because Third World countries are themselves becoming proliferators, and south–south trade in armaments is an increasing phenomenon (DFAT off. 1990, 11 December).

Foreign Minister Evans made essentially the same point publicly the following year, stating that, although supply-side nonproliferation regimes were useful as interim arrangements, a web of universal treaties banning possession represented the only permanent solution (Evans off. 1991, 28 May). A later internal policy document likewise pointed to the importance that Australia attached to 'the treaty network needed to underpin global norms against the spread of weapons of mass destruction', noting, 'The maintenance of strong global norms against the acquisition of such weapons is central to our interest in preventing proliferation in our region' (Bird off. 1994, 28 July).

The consensus underpinning Australian anti-proliferation policy has been so strong that it has precluded interagency discord on major policy questions. Only one relevant dispute, on CW-related exports controls (see below), has ever needed to be taken to Cabinet for decision (Evans int.; Gee int.; White int.). For its part, DOD has always been content to cede policy management to DFAT, while providing technical support as needed. The only limited exceptions have been in the missile realm (see below), but these have usually been quickly and amicably resolved at relatively low bureaucratic levels ([DOD] ints.). As a senior Defence official comments, 'We've left it to DFAT because they've been very good at it, and they haven't been trying to achieve anything that we haven't been trying to achieve' (White int.). Nor has there been any notable internal strife within DFAT, with the regional and trade components generally deferring to the disarmament branch (Evans int.; Harris int.; [DFAT] int.).

15 This has been in marked contrast to DOD's aggressive opposition to DFAT's activist inclinations on conventional issues such as supporting a global landmine ban or curtailing conventional arms transfers, where Defence has had actual assets at stake. Consequently, Australia has been far less forward-leaning in these areas (Cheeseman 1997; Evans int.; White int.).

16 This has allowed most decisions to be made at the First Assistant Secretary level or below. The one exception during the Hawke period was that any policy that could lead to broader bilateral friction with Washington was often reviewed by Foreign Minister Hayden (Harris int.).
Interestingly, the ascension of the centre-right Howard government in 1996 did not lead to any meaningful change in the Canberra’s anti-proliferation strategy ([DFAT] ints.). This is somewhat surprising, since Foreign Minister Downer consciously shifted Australian foreign policy away from global and multilateral activism towards a more bilateral and regional emphasis, as well as cleaving closer to US leadership (DFAT off. 1997; [DFAT] ints.). However, proliferation response policies appear to have been exempted from these trends, reflecting both continuity of senior career officials – for example DFAT’s Kim Jones has managed these issues continuously at senior levels since 1988 – and a solid bipartisan political consensus ([DFAT] ints.).

This assessment seems ubiquitous, including among knowledgeable members of the political opposition. According to the chief foreign policy staffer for the Labor Party, the Howard government supports virtually every nonproliferation position in Labor’s foreign policy platform (Dorling int.). Even disarmament stalwarts from prior Labor governments like former Foreign Minister Gareth Evans (int.) and former Disarmament Ambassador Richard Butler (int.) share this assessment. The latter observes:

Speaking objectively, I think there’s been almost no fundamental or substantive difference in the shift from 13–14 years of Labor to this rather stridently conservative government of John Howard on these issues....At the fundament of policy I would perceive virtually no difference.

Notwithstanding this constancy in approach, Canberra has instituted few policy initiatives spanning proliferation areas. The only notable exception was the introduction of sweeping catch-all controls through the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* (Defence off. 1998c). Although Australia had initially rejected US calls starting in 1990 for other Western countries to institute catch-all controls, a series of potentially embarrassing exports over the next few years convinced the Keating government that such measures were in fact necessary to preserve Australia’s reputation as a steadfast opponent of proliferation ([DFAT] int.).

While Australia has tended to avoid sweeping initiatives, it has had to react to such initiatives by others. For example, it worked behind the scenes over several years to derail post-Gulf War efforts by the United States and other Western states to strengthen institutional cooperation between the nonproliferation supplier regimes. This opposition was based largely on concerns that such institutionalisation might harm global treaty-norms by antagonising Third World countries (DFAT off. 1993, 22 April, 22 November; Jones off. 1991, 15 March).

Australia also firmly rebuffed US overtures beginning in 1994 to cooperate on counterproliferation. Despite determined American wooing, culminating in a detailed US proposal offered during a visit by Deputy Assistant Secretary of

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17 Additionally, the following year export licensing rules were consolidated under a single regulation, with a unified list of items, administered by a single licensing authority under the auspices of the Minister for Defence Industry, Science and Personnel (Defence off. 1998a). (Previously, multiple regulations governed different lists, and were administered by several different agencies.) However, this initiative did not affect the scope of controls, but rather was intended to simplify the licensing process for industry. It therefore did not really constitute a nonproliferation initiative.
Defense Mitchel Wallerstein, Canberra showed no interest. US participants recall it becoming obvious during the Wallerstein visit that Canberra had no intention of even considering the proposal, with senior Australian Defence officials expressing polite lack of interest, while DFAT officials voiced open hostility ([OSD] int.; Wallerstein int.).

Australian officials acknowledge that both DFAT and DOD had agreed beforehand to reject the idea. ‘We conveyed more or less politely that we share your objectives’, recalls a senior Defence official, ‘but we don’t think this is a particularly smart way to do it’ (White int.). DFAT, for its part, was concerned that Western cooperation on counterproliferation would hurt multilateral treaty norms, by undermining the perception of shared interests with developing countries ([DFAT] int.). Defence shared this concern, and additionally was sceptical about the military effectiveness of such programs, as well as whether the costs involved would be justified in the absence of any regional WMD threats ([DOD] int.; White int.). This judgement is manifest in its most recent white paper (Defence off. 1997), which does not mention needing to be prepared to operate in a WMD environment, nor defending against ballistic or cruise missiles.

SECTION 2: CASE STUDY – CHEMICAL WEAPONS

Relative Priority

The relative priority that Canberra has given to the individual proliferation areas has been somewhat process driven, depending on the opportunities that have been available to exert influence. During the 1980s CW nonproliferation was by far the highest non-nuclear priority on the Australian disarmament agenda. This focus was originally prompted by the multilateral agenda. When Australia’s application to join the limited-membership CD was accepted in 1979, DFA wanted Australia to achieve an active profile as a new member, and perceived CW disarmament as a promising field in which to achieve a prominent role ([DFAT] int.). This agenda item therefore received particular Australian attention in Geneva.

This established track record, as well as vestigial public loathing of CW based on national myths from the First World War, led the incoming Hawke government (1983) to see CW disarmament as a natural compliment to its political strategy of aggressively promoting nuclear disarmament. As one key participant states, ‘It first proceeded from the ideological predisposition of a Labour government to also go for a Chemical Weapons Convention then under negotiation in Geneva’ (Butler int.).

Concern about CW proliferation received a boost from recurrent allegations of Iraqi use beginning in 1984. Even in the absence of any local threat, this had a disproportionate impact on the consciousness of the Australian Government. This was due to the participation of an Australian expert, Peter Dunn, in the UN investigations that authenticated charges against Iraqi, who returned to Canberra with what one official recalls as a messianic determination to persuade his government to tackle CW proliferation as an urgent global problem ([Intelligence] int.; McCormack 1993; Walker int.). By

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18 This openly negative reaction was in marked contrast to other US allies who, to varying degrees, had already subscribed to formal cooperative programs.
1986 DFA officially characterised CW as a global threat second only to nuclear weapons (Parliament off.). Foreign Minister Hayden that year asserted during Parliamentary debate:

> The Government, as part of its disarmament policy, is making a special effort to develop effective international measures against chemical weapons...The Government has greatly expanded Australia’s involvement in efforts to resist the spread of chemical weapons, and to conclude the [Chemical Weapons] Convention, to the point where foreign commentators have spoken of ‘Australia’s Leadership’ in this area (tst.: 2247).

Despite this declaratory rhetoric, CW nonproliferation did not become a priority at the highest levels until Hayden was replaced as foreign minister in 1988 by Senator Gareth Evans under the new Keating government. According to Evans, in addition Australia’s obvious national security interest in keeping its region free of CW, he selected the issue as a priority because it was the most promising disarmament area in which to promote his broader agenda of boosting Australia’s reputation as a good international citizen, especially once Australia’s profile was raised by organising and hosting the high-level 1989 Government-Industry Conference at Washington’s request (Evans int.). This factor is evident when Evans shortly afterwards observes: ‘The outstanding example of the sort of role Australia can play in multilateral disarmament issues is the effort we have been making for some years now in relation to the abolition of chemical weapons’ (Evans & Grant 1991: 87).

At about the same time, ‘quite firm’ intelligence reports raised concerns that some regional countries were considering clandestinely acquiring CW capabilities ([DFAT] int.). However, one official closely involved in the issue recounts that boosting Australia’s international reputation always remained a primary consideration, particularly since an actual regional threat never materialised ([DFAT] int.). In any case, this combination of factors led to CW surpassing even nuclear disarmament and nonproliferation as a bureaucratic priority by the early 1990s ([DFAT] ints.).

CW remained the highest priority within the DFAT disarmament branch until CWC entry into force became assured in 1996. Once the CWC negotiations were completed in late 1992 though, senior levels began to pay increasing attention to competing priorities, such as extending the NPT and strengthening the BWC ([DFAT] ints.). Under Foreign Minister Downer, the CW area has explicitly become a secondary priority to BW, if only because in recent years Australia has been satisfied with the status quo in both the CWC and the Australia Group, leaving no active CW-related negotiations to manage (Jones int.).

**Capability-denial**

**National Export Controls**

Australia instituted restrictions on the export of eight CW-related chemicals to Iraq and Iran in the latter part of 1984. This was a reaction to the

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19. Although not indicated by interview subjects, it seems likely that the Gareth Evans’ close association with this issue was also part of the explanation, with Alexander Downer inclined to find an issue on which to put his own stamp.
UN Secretary General's findings that Iraq had used CW against Iran. The specific action was taken in direct response to bilateral pressure from the United States, which after implementing such controls in March had pressed allies such as Australia to do the same ([DOD int.; Olmer tst. 1984]). Beginning in August 1985 (i.e. following the first AG meeting) these licensing requirements were changed to apply universally to any destination. This non-specific approach was designed to minimise the discriminatory appearance of export control measures ([DOD] int.; Peter Dunn 1989).

Like the United States, Australia's initial controls covered a few more precursor chemicals than the five that were eventually adopted in the initial AG process. When the AG finalised both its core and warning lists at its fourth meeting in May 1996, Australia and other delegations announced that they also planned to institute national controls on most items on the voluntary Warning List. This was designed to show leadership in the effort (see below) to expand the Core List beyond just five chemicals, by setting a good example. The forward-leaning strategy prompted a rare interagency rift, however, with the Department of Industry, Technology and Commerce, the Business Regulation Review Unit, and the Defence Support organisation (responsible for defence industries) raising vigorous objections. This dispute remain unresolved for almost a year, despite being fought all the way up to the ministerial level. In the end the decision needed to be taken to Cabinet, where the ministers for Foreign Affairs and Defence (who had previously overruled Defence Support on the recommendation of his policy and technologies divisions) prevailed ([DFAT] int.). On 29 May 1987, Australia therefore added controls on 22 additional chemicals (Peter Dunn 1989; Hayden tst. 1989). Subsequently, Australia never again instituted national measures beyond those agreed multilaterally among AG partners (other than in the case of general catch-all controls).

Canberra has tended not to exceed standard AG practices in implementing its export controls. For example, it has consistently eschewed applying tougher rules for sensitive destinations such as e.g. rogue states. Its export controls have been applied universally, with no presumed embargo on certain countries. At the same time, it has been scrupulous in its national implementation of AG standards. For example, notwithstanding the formal universality of its controls, in practice Australia rarely if ever approves licences for CW-relevant exports to the countries that Washington terms rogue states ([DOD] ints.).

Multilateral Export Control Regime: Australia Group

Australia has had a complicated and ambivalent relationship with the multilateral suppliers regime that bears its name.

It is important to note that Australian attitudes regarding AG have always to some extent been influenced by its position as the regime's Chairman and namesake. One Australian official observes that just because it is the Australia Group does not mean that Australia has any particular attachment to it ([DFAT] int.). But of course most officials readily admit that in reality Australia's unique role inevitably has had an impact on its national perspective. In addition to

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20 The one technical exception was Canberra's implementation of 'interim' controls on items that had been agreed by the AG, but before this multilateral requirement formally had gone into effect (DFAT off. 1991, 24 May).
always having had the responsibility to seek and represent consensus positions, Australia has derived considerable prestige and influence in other disarmament areas. For example, it was largely because of its association with the AG that the Washington asked Canberra to host the 1989 Government–Industry Conference on CW, the event that cemented Australia’s leading role in the CWC negotiations. Such wider benefits have not been lost on Canberra. A 1991 internal Australian reporting cable from an AG meeting notes: ‘The benefit for Australia’s standing in the field of arms control...is substantial, considerable influence with the Western Group flowing from our role in the Australia Group’ (DFAT 1991, 24 May, p. 3). Another lauds ‘the reputational impact for Australia’ (DFAT off. 1992, 5 June: 3). Indeed, one pivotal official remarks that Australia would likely have been much less interested in the Group had it not been for its having such leadership responsibilities and privileges ([DFAT] int.).

Australia has played an equivocal role in multilateral export controls in this area from its earliest involvement. In 1985 Canberra initiated the process that over time became the AG, but there have been credible suggestions that the idea may actually have originated in Washington (see Chapter 4). Whether or not Australia was acting independently or at Washington’s behest, it had complex political motivations for undertaking the initiative. For example, Foreign Minister Hayden had previously incurred the ire of Prime Minister Hawke for creating strains in the bilateral relationship with Washington by being too aggressive in promoting nuclear disarmament proposals that were patently unacceptable to the Reagan administration. Consequently, the DFA officials who came up with the proposal knew that Hayden was eager to offer a proposal at high-level US–Australian disarmament consultations in early 1985 that the United States would welcome, and on which Canberra and Washington could work together cooperatively ([DFA] ints.).

Australia certainly did not foresee what it was getting into when it volunteered to host an inconspicuous meeting at its Brussels embassy so that export control officials from various Western countries could compare notes on the recent measures that they individually had taken to cut off transfers of CW precursors to Iraq and Iran. This was envisioned as nothing more than an informal consultation to discuss an immediate, narrow problem. Officials anticipated that there would be just the one meeting, with some suspecting privately that perhaps a follow-up meeting might prove necessary ([DFA] int.; Walker int.). In line with these modest expectations, Australia sent only 3–4 delegates to run the meeting, who arrived with no definite ideas to propose (Gee int.).

The DFA officials who organised the initiative never imagined that it would lead to the creation of a new multilateral suppliers regime, or even to the

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21 As noted in the preceding chapter, the Australian official responsible denies that the suggestion to organise this specific meeting came from Washington. At the same time, he notes that the US had certainly been considering similar concepts, and that at the time Western European participants widely assumed that Canberra was fronting for Washington (Walker int.).

22 This tension appears to have flared in particular over the creation of the position of Disarmament Ambassador, and simultaneous appointment of Richard Butler, which Hayden announced without the Prime Minister’s knowledge or permission. Butler himself waggishly recounts how, after receiving a brusque warning from Hawke upon taking up this post about not angering the Americans, he travelled directly to Washington for a series of courtesy visits, culminating in shouting matches with prominent US officials such as ACDA Director Kenneth Adelman (who Butler claims used to refer to him behind his back as ‘Red Richard’) and Assistant Secretary of Defense Richard Perle (Butler int.).
adoption of additional national controls, or even necessarily to informal harmonisation of existing measures (Walker int.). As one official involved directly in the original planning recalls:

Initially there was no commitment that this was something we were going to be doing for a decade or more. It was just really...'here’s a problem, let’s everyone sit down around a table,' and once they got around a table they decided it would be useful to get around a table again in a few months time, and so it went ([DFA] int.).

For the next two years, this dynamic led Australia to host a series of meetings, in each case without knowing if it would be the last ([DOD] int.). The main Australian goal in this process was to expand the ‘least common denominator’ Core List to include all of the chemicals that Iraq was actually trying to acquire for its CW programme. This was seen as a minimal necessity to rationalise controls, which as things stood, for example, controlled potassium fluoride but did nothing about functionally equivalent sodium fluoride (Gee int.).

Although these meetings were vigorously supported by their Australian chairman, Assistant Secretary Ronald Walker, others within DFA were uneasy about this ongoing activity. ‘Some people thought we were sticking our necks out too much,’ a former official recounts, concerned that ‘this would be seen in the same way as the Nuclear Suppliers Group was seen, as rich countries depriving developing countries of...technology’ (Findlay int.).

As the process evolved, Australia found itself in the ambiguous position of supporting further progress in instituting additional controls, while at the same time trying to avoid fostering a discriminatory mechanism that could undermine or compete with a future CW ban. This was an explicit concern from the onset, both in Canberra and many European capitals. Australia tried to offset such trepidation by pressing as early as before the second meeting to invite non-Western participants, so that the nascent process would not be perceived by outsiders as a discriminatory ‘rich man’s club’, although this proposal was blocked by the United States (Gee int.; Walker int.). Australia, in turn, rejected US suggestions to institute a list of target countries that would be subject to more stringent controls, again to avoid discriminatory appearances (Gee int.). Most importantly, it forcefully stressed at the very first meeting that it regarded export controls arrangements as interim measures, pending completion of the CWC negotiations.23 Australian officials reiterated this point repeatedly as the process moved forward (Butler int.; Gee int.; [DOD] int.; O’Sullivan int.; Walker int). Indeed, when Foreign Minister Hayden in 1987 finally authorised recognising the meetings as an ongoing process, he conditioned his approval on Australia formally recapitulating its understanding that this was a transitional arrangement that would be replaced by the CWC ([DOD] int.).

Because it saw the AG strictly as an interim mechanism, and believed that such a stop-gap measure was urgently needed to address short-term problems such as Iraq’s blatant efforts to acquire CW-related assistance from Western

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23 The first meeting was held at Australia’s small Brussels embassy rather than at its mission in Geneva, so that other CD delegations would be less likely to find out about it, as well as to emphasise that there was no connection to the CWC talks. When it became obvious that more space would be needed after the first several meetings, Canberra opted to avoid hosting meetings either at home, or in Geneva, choosing instead its Paris embassy. For this reason the process was originally referred to as the Paris Group (Gee int.).
companies, Australia was happy to continue to use its authority as Chairman of
the newly institutionalised process in order to promote wider controls. It acted in
close cooperation with a small cluster of governments that shared this agenda,
including the United States, Britain and the Netherlands, arrayed against a
majority of fence-sitters, and a core group that staunchly resisted any additional
controls, including Germany, France and Japan (int.). Australia’s activist
posture during this period was based not only on the perception that the CWC
was still a long way off, but that even strengthening the AG would yield an
extremely modest endeavour. A DFAT official explains the reasoning at the
time:

The Australia Group after all was only an informal meeting
to compare policies....It was never designed to be a
multilateral...enforcement mechanism. And since there are
billions of meetings run by billions of people every day in
the world, why shouldn’t these particular people turn up at
some place in Paris and have a meeting to talk about
what they do on a national basis (O’Sullivan int.).

Any potential tension between strengthening the AG and concluding and
implementing the CWC therefore was abstract enough in the period to 1990
that senior officials in Canberra did not give it any real thought, while the
Australian CWC Delegation in Geneva remained uninvolved in the issue (Jones
int.; O’Sullivan int.; Reese int.). On the CWC side of the equation, however,
Australia was not concerned about preventing CWC provisions that could
undermine AG operations (since it assumed the CWC would replace the AG if
and when it was completed). For example, far from joining US-led negotiating
efforts to dilute Articles X and XI (on technical cooperation and assistance),
Australia supported providing States Parties with enhanced access to
technology as an incentive for Third World participation. It played a key behind-
the-scenes role in convincing Washington at a minimum to accept the
ambiguous language that was included in the final treaty (Gee int.).

The 1990–91 Gulf Crisis complicated Canberra’s thinking about the AG
and its relationship to the CWC, but at first did not alter the fundamental
Australian equation. Although the crisis raised the prospect of real progress in
Geneva, the end of the CWC negotiations was still nowhere in sight. Meanwhile,
the menace of Iraq’s WMD programs, and revelations that they had
continued to be aided by Western companies, created an urgent short-term
imperative to strengthen the AG. Australia therefore went along with US-led
efforts during and immediately following the crisis to strengthen the regime,
without worrying, or changing its basic assumptions about its future if and when
the CWC was finalised ([DFAT] ints.; Jones int.). However, it did not play an
active role in forcing these developments, instead allowing external events to
shape a consensus ([DFAT] int.).

This delicate balance in the Australian position regarding the AG shifted
some time in the middle of 1991. The reasons were twofold, both relating to the
CWC. Firstly, it became apparent that an agreement in Geneva was seriously in
the offing. Secondly, Washington, having never ascribed to the Australian
position that the AG represented an interim arrangement, began explicitly to
challenge the notion that it should be eliminated, or even substantially modified,
after the CWC entered into force.

Australia became increasingly wary of US plans to continue to strengthen
the AG. As a pivotal middle-level official recalls:

If there was one problem...that caused ruptures...it was the intense interest of the US administration in using the Australia Group suddenly to launch export controls on the world following the Iraq crisis. Our view was that they were simply reaching far too far, far too fast, and in ways which were simply not sensitive to making progress in this field. ([DFAT] int.)

Consequently, Canberra consciously sought to obstruct any further expansion of the regime. For example, it opposed US efforts to have the Group adopt a spate of national measures such as catch-all controls that Washington had instituted from late 1990 ([DFAT] int.).

These developments prompted an internal policy review in Canberra on the future of the Group. The prevailing view that emerged reaffirmed the longstanding position that the AG in any shape or form should be eliminated once the CWC was finished. But a minority thought that there might be scope for complementarity between the CWC and some type of modified suppliers arrangement, analogous to relationship between the NPT and NSG ([DFAT ints.]). Even this latter minority agreed, however, that the AG should be treated as expendable if this proved necessary in order to attain the CWC. The point of total consensus therefore was:

We should not let the Australia Group get in the way of the conclusion of the negotiation of the Convention, and if ditching the Australia Group is the price that we have to pay for getting the Convention, then let's look seriously at getting rid of the Australia Group (Gee int.).

By early 1992, it was clear that the AG issue was threatening to derail the Geneva talks at a sensitive stage, perhaps irredeemably. Canberra was determined to use its influence as Chairman to force the AG partners to confront this question directly. On the other hand, Washington was making it clear not only that it would block consensus within the Group on any suggestion to even consider eliminating the AG, but that it would be profoundly irked if Australia supported such a proposal in its national capacity.

Based in large part these considerations involving the United States, as well as Australia's consensus-building role as Chairman, Foreign Minister Evans opted to steer a middle course. He directed his staff to push for concessions in terms of significantly curtailing the scope of the Group's activities, while avoiding any direct call for its automatic dissolution on a date certain (DFAT off. 1998, 7 October; Gee int.; [DFAT] int.). This represented a retreat from the longstanding Australian stance, but nonetheless showed considerable flexibility in addressing Third World concerns.

Canberra circulated a confidential paper to its AG partners on 18 May,

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24 Because DFAT refuses to declassify the applicable 6 May 1992 decision memorandum (DFAT Ministerial Submission 920758), as well as a subsequent reaction from the Australian CWC Delegation, the precise content of the decision is not known. It is also impossible to know precisely what options were presented to Evans. However, interview data suggests that his decision reflected the recommendations of his staff, based on the prior intra- and inter-agency policy debate. It seems likely that access to these documents was denied because they show that Canberra would have preferred eliminating the Australia Group, and was willing to go further than the subsequent O'Sullivan Statement formula, inconsistent with current policy.
laying out its new national position on the Group’s future. After recalling that Australia had always described the Group as an interim arrangement, including in bilateral exchanges with Third World countries, the paper stated:

We have been conscious that if the Geneva negotiations continue to fail to produce a Convention soon, the Australia Group activities would then face an indefinite and probably expanded future as the only, albeit inherently unsatisfactory and limited, international line against CW proliferation. On the other hand, if a CWC along the lines we have been proposing is achieved in the near future some significant modification to the Australia Group’s activities is inevitable over the next few years. [emphasis added] (DFAT off. 1992, 18 May: 1–2).

It concluded that, if the AG were to continue after CWC entry into force – a question that was left pointedly open – then its basic functions, procedures, and even name would need to change significantly. Specifically, the paper asserted that any vestigial suppliers arrangement outside the CWC framework should limit itself to items not covered by the CWC (e.g. non-CWC chemicals, equipment and technology, and BW-related items).

Tensions erupted with the United States when this position was debated at the AG plenary meeting a few weeks later. Far from being willing to consider reigning in the Group, the United States was still pressing to strengthen it further. A classified diplomatic cable that the Australian Delegation sent to Canberra reported:

Some in the Group are deeply committed to export controls and value the Australia Group as the prime mechanism for working against CBW proliferation. [Sentence deleted]. It required some effort on the part of those, including pre-eminent ourselves, who attach primacy to the successful conclusion of a CWC this year, to reign in those who wanted to take measures...to strengthen the Regime irrespective of the presentational impact such a development would have...in Geneva (DFAT off. 1992, 5 June, p. 3).

A US official recounts the same dispute from the opposite perspective: ‘At that point the Australians...were pretty much willing to do anything to close the Convention’ (Inghee int.). The meeting ended with no agreement on what specific action, if any, AG members take.25

Into this impasse stepped the US and Australian CD ambassadors who, with the collusion of their counterparts from the other AG states, hatched an audacious cabal to negotiate a compromise between themselves, without the authorisation or knowledge of their respective governments. These walk-in-the-woods talks produced what became known as the O’Sullivan Statement, which said on the one hand that AG governments would review their export control procedures in light of the CWC, but on the other promised no definite action as a result. This formulation was agreed to by the WEOG in Geneva in mid-July,

25. The meeting agreed on a press release affirming that AG activities would need to be consistent with a future CWC if and when it entered into force (DFAT off. 1992, 5 June). However, this language was essentially meaningless, since assuming that the United States and other AG states were CWC States Parties, they would have a binding legal obligation not to undertake any activities inconsistent with their treaty obligations.
and only then sent to capitals for approval on a take-it-or-leave-it basis.

Although the unexpected arrival the O’Sullivan text did not generate the kind of inflamed reaction in Canberra that it did in Washington, DFAT was not happy with the flimsiness of this pledge. Its concern was that this intentionally ambiguous language did not go far enough, and was not explicit enough, to address the concerns of the Group’s critics. However, Ambassador O’Sullivan personally weighed in to defend the text. He argued that he was convinced beyond any doubt that this non-committal formulation was the most that Washington would even consider, that any attempt to modify it would lead to the fragile compromise unravelling, and that even this was going to be a hard sell in Washington. Based on this judgement by its senior disarmament diplomat, Canberra concluded that it had no choice but to embrace it ([DFAT] ints.).

DFAT aggressively sought to sell the compromise to the other AG members, sending a ‘flying team’ of senior officials to Washington and other capitals. According to Australian and US participants in these meetings, in Washington this team stressed the lack of commitment involved, while stressing the extent of the commitment involved to partners such as Canada and Sweden that, like itself, wanted to go further. It then presented the same maximalist interpretation to the Chairman of the CWC negotiations, who passed this rendering on in explaining the text to non-aligned delegations. Australia thus consciously sought to mask the unresolved rift among AG partners by encouraging them, as well as the NAM, to interpret the ambiguous text in different ways ([DFAT] int.; Mahley int.). In diplomatic terms, it did what is known as ‘papering over’ the issue.

The O’Sullivan Statement fulfilled its immediate purpose, satisfying the NAM at a crucial juncture, and allowing the CWC negotiations to proceed rapidly to a successful conclusion. However, the circumstances by which the Statement had been agreed within the AG, and accepted by others, rendered conflicting interpretations inevitable. Such different understandings of what had been agreed existed not only between AG and NAM governments, but among AG governments themselves. The CWC now in hand, the AG needed to decide on its future in earnest.

Not surprisingly, Canberra’s interpretation of the O’Sullivan Statement leaned towards its longstanding preferences. An internal memorandum to Foreign Minister Evans prior to December 1992 AG meeting, the first after the completion of the CWC negotiations, warns:

Achievement of a common position in the Group on its future direction, particularly with respect to the relationship with the CWC, will not be an easy task [remainder of sentence deleted]...We will have our work cut out to ensure that an export controllers’ frolic does not frighten the CWC horses! (Dauth off. 1992, 24 November)

The memo proposes a strategy to meet this goal while avoiding open conflict, wherein Australia would seek to reaffirm the O’Sullivan Statement (presumably without further clarification), while dampening any efforts to expand or strengthen the Group beyond refining its existing practices.

While Washington adamantly adhered to its minimalist reading of the O’Sullivan Statement, Australia continued to publicly articulate a more forward-
leaning interpretation. For example in his speech at the CWC signing ceremony on 13 January 1993, Foreign Minister Evans emphasised that one of the Convention’s chief benefits would be to enhance peaceful trade in dual-use chemicals. He then observed:

It was in this context that my country and other members of the Australia Group announced on 6 August last year in the Conference on Disarmament their commitment to review their policies on harmonisation of export controls, *with the aim of removing restrictions* so as to benefit states parties acting in full compliance with the convention [emphasis added] (Evans off. 1993, February).

Clearly, this was pushing the boundaries of the commitment that some other AG states perceived in the O’Sullivan Statement.

But over the next three years, Canberra did not fight the status quo, abandoning active attempts to scale back the Group’s activities. Instead, Australia adopted a defensive strategy, concentrating its energies on heading off any initiatives that could been seen as further entrenching the AG institutionally. It also called on other members to shoulder a larger share of the burden of responding to continuing attacks on the Group’s legitimacy by radical NAM states such as Iran. Meanwhile, as the Chair, it continued to perform its duties managing the Group’s smooth operation. Finally, in a tacit acknowledgment that the Group would continue to exist for the foreseeable future, Australia dropped its opposition to allowing new members to join – this policy had been adopted as part of its anti-entrenchment strategy – returning to its earlier support of geographic diversification as a means to offset perceptions that the Group was discriminatory North–South arrangement (Bird off. 1994, 6 May, 19 November; DFAT off. 1993, 10 December, 1994, 22 March, 20 May, 30 October, 1995, 20 October; Steele off. 1993, 25 May).

By the time CWC entry into force became assured in 1996, Australia had quietly stopped referring to the interim nature of the AG, even internally ([DFAT] int.). This change was explicitly acknowledged in an internal paper for new Foreign Minister Alexander Downer following the change in government. It explained that although the AG had been previously regarded as an interim arrangement pending the CWC, Australia now believed that it continued to play a useful, complementary role. However, the same paper comments: ‘In our view supply-side measures, such as export controls, cannot equate with the effectiveness of...a legally-binding global norm against these weapons (Steele off. 1996, 9 October: 1). Moreover, at a subsequent AG meeting Australia continued to pursue all of the same priorities, including resisting further entrenchment (DFAT off. 1996, 18 October).

Although Australia has recently reconciled itself to retaining the AG in its current form for the time being, it still does not necessarily see this as an indefinite state of affairs. Canberra was therefore quite alarmed by the United States’ CWC ratification condition requiring the AG to retain controls on exports to non-AG states that are at least as effective as those in place at the time of its ratification. The Australian view is that a final decision is still pending, but that this needs to be deferred until the effectiveness of the CWC can be assessed. As a classified reaction to the US ratification condition stated:

It would be premature for the Group to seek to make adjustments to AG controls pursuant to the O’Sullivan
Statement or otherwise. However, we do not think that the door should be completely shut on the possibility of adjustments to AG controls at some future time (DFAT off. 1997, 18 August: 3).

According to a middle-ranking official closely involved in these issues, the prevailing view within DFAT is that the question of whether the AG should continue to exist, and if so in what form, will need to be reconsidered in the next 2-3 years, after the CWC has had a chance to establish itself ([DFAT] int.).

Wider Export Control Norms

Although Australia has ceaselessly pressed for the AG to be as transparent as possible about its operations, and has often taken it upon itself bilaterally to explain the Group’s activities to non-members, it has tended not to favour bilateral or multilateral efforts to induce non-members to adhere unilaterally to AG export control standards. This was less true in the formative two years of the AG, when Canberra encouraged a few other potential suppliers such as South Korea and Turkey to adopt national measures, so that they would be able to join the consultations in order to widen their geographic participation (Gee int.). At one point Australia on its own initiative even prodded East Germany to try to start a parallel process among Warsaw Pact members (Walker int.).

By the time the AG had solidified, however, Australia was shying away from any effort to hold it up as a model for others to emulate. This inclination against pushing export controls beyond the Group has been a consistent feature of Australian policy for at least the past decade. The main reason for this has been concern that aggressively promoting wide adherence to export controls would undermine cooperation on the CWC, first in its negotiation, and later in its implementation ([DOD] int.).

Canberra has not confined its role in encouraging wider application of export controls to benign neglect. On at least one notable occasion, it actively ‘hijacked’ a high-level multilateral initiative by the United States to promote this agenda. After failing to get restrictions on CW-related transfers endorsed at a high-level, global conference that it sponsored in Paris in January 1989, the United States set out to try again in a more conducive multilateral fora. Washington hit upon the idea of focusing on export control issues by involving representatives of national chemical industries (see Chapter 4). Eager to set this initiative in motion with an announcement at a meeting to which he was travelling, Secretary of State James Baker placed an impromptu telephone call from his plane to Australian Foreign Minister Gareth Evans, explaining the idea and asking if Canberra would be willing to play host to such a meeting. Evans (int.), who received this call at home, in the middle of the night, without any advanced warning, recalls: ‘So I said on the spot OK’.

According to a participant, the bureaucracy was dismayed when learned that the Minister had spontaneously agreed to have Australia play a prominent role in promoting the wide application of export controls. ‘We recognised that that was a very divisive issue, and we decided for ourselves that rather than making it something getting support to the Australia Group, what we should be

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26 Whereas MTCR members at least nominally must support unilateral adherence, by virtue of a provision to this effect in the Guidelines, the AG has no formal charter. Thus, promoting wiser adherence to AG standards is strictly a matter of national discretion.
doing is getting industry to support the CWC.’ Consequently, in taking the
initiative forward, ‘It was twisted around from being a nonproliferation
conference to a CWC support conference’ (int.).27 Evans (int.) himself readily
acknowledges that in picking up the ball and running with it, Australia
reconceptualised the original purpose of Baker’s initiative.28

This reorientation was codified at the highest level in Parliamentary
debate on 2 May 1989, when Prime Minister Hawke was challenged with the
question: ‘Does Australia continue to seek a total ban on chemical weapons, or
will the international conference on chemical weapons, to be held in Australia
later this year, divert the negotiations to the much weaker goal of
nonproliferation?’ The Prime Minister responded: ‘The conference will not be in
any way an attempt to establish what could be called a second track alternative
weeks later, Foreign Minister Evans likewise assured delegates at the CD in
Geneva that the purpose of the conference was to contribute to progress in the
CWC negotiations (CWC Bulletin [5] 1989). These public statements were
reinforced with private bilateral pledges to several NAM governments that the
subject of export controls would not be discussed at all (int.). True to this intent,
Australia not only kept export controls off the agenda, but at the conference
itself Australia used its position as host to deflect US attempts to raise the issue
of restricting transfers (Burck & Flowerree 1991; Findlay 1989).

Since the completion of the CWC, Australia has been more supportive of
encouraging governments to implement national export controls, pursuant to
the treaty’s non-assistance obligations ([DFAT] int.). That said, it has never
been a prominent supporter of the CWC’s non-assistance element, instead
focusing on the provisions for verifying non-possession (see below). Moreover,
as noted above, at the same time it has supported Articles X and XI (on
technical cooperation and assistance). These clauses in effect counterbalance
the CWC’s non-assistance obligations. In addition to supporting relatively
robust language for these articles during the negotiations (Gee int.), Australia
subsequently has led efforts effectively to implement positive technical
cooperation. It has sought an active role for the OPCW in this regard akin to
that played by the IAEA in the nuclear field. For example, it was an active
participant in the OPWC PrepCom’s working group on this issue, in which it led
the fight to provide a separate budget item for this, and subsequently has
fought to increase this budget item ([DFAT] int.; George int.; Taubman off.
1994, 27 March).

National Enforcement Mechanisms

At first glance, Australia’s national capacity to enforce export control
standards is paltry compared with that of the United States, or even other larger
Western powers (Britain, Germany, Japan), irrespective of its inclinations.
However, as former Foreign Minister Evans observes about Canberra’s general
capacity to bring effective bilateral pressure to bear, Australia has a great deal
of clout in the Asia–Pacific region, and holds regular high-level bilateral
contacts with important regional players including China. Australia also has

27 As discussed in Chapter 4, the United States was amenable to also using the Government-
Industry Conference to build support for the CWC negotiations, but as a secondary priority.
28 Although he characterises this as merely a case of Australia becoming more ambitious than
Washington once it began to run with the initiative, rather than derailing Washington’s original concept.
accumulated international clout on CW-related matters beyond what it might normally wield in other areas. Additionally, its bilateral actions can reinforce those of the United States and others (Evans int.). For example, as one official notes, 'We do a lot of [bilateral] activities to get people to sign up to the treaties' ([DFAT] int.), such as strenuous high-level bilateral efforts to get governments globally and regionally to sign and ratify the CWC (see below). Moreover, DFAT's emphasis on bilateralism generally has increased markedly since 1996 under the Howard government, including in the disarmament sphere ([DFAT] int.). In other words, it has certainly been within Australia's scope to contribute to enforcing restraint on CW-related transfers.

Australia has deliberately refrained from undertaking national interdiction actions against CW-related transfers by third parties. Although it has often had intelligence on pending transfers of proliferation concern, Canberra has not attempted to intervene with the governments involved, beyond urging restraint in general terms.29 On a number of occasions Washington has approached Canberra with such information and asked it to intervene with relevant governments – whether AG members or not – but, as a rule, these requests have been rebuffed.30 In declining to take action in such cases, Australia has reminded Washington that AG implementation is left to national discretion, and that external enforcement is therefore inappropriate; all the more so for non-adherents like China ([DFAT] ints.; [DOD] int.; Gee int.).

Australia has no nonproliferation sanctions whatsoever other than those required under international law (e.g. UNSC sanctions on Iraq) ([DFAT] int.). Whereas Canberra has not necessarily been distressed that Washington has reinforced the AG through its interdiction activities, despite its own disinclination to do so ([DFAT] int.), it has worried that unilateral US sanctions might be associated somehow with the AG. Australia has taken the firm position that sanctions of any kind are inappropriate means to enforce export control regimes ([DFAT] int.).

Other Capability-deny Responses

There have been no apparent cases where Australia has used other denial measures against CW programs such as targeted denial, or sabotage or destruction.

Non-possession Norm-building

Global Non-possession Norm: Chemical Weapons Convention

Australia joined the limited-membership CD in 1979, just before the issue of CW disarmament was remanded to Geneva following the collapse of bilateral talks between the superpowers. Because Australia was eager to find a niche in

29 Gee (int.) notes that two minor exceptions occurred during his tenure. One was an instance in the late 1980s when Australia expressed concern to Thailand about press reports that its companies were supplying workers to the Libyan CW program. The other was a case in which Australia, acting in its capacity as AG Chairman, used a specific transfer as an example by which to clarify the Group's rules to a new member. Other officials recall no other subsequent exceptions ([DFAT] ints.).

30 Several officials point out that often Australia is not free to act on intelligence which it owns jointly with the United States or other friendly governments. However, these same officials concede that this merely requires asking permission through intelligence liaison channels, which would almost certainly be granted. Moreover, this explanation does not explain why Australia would turn down specific requests to take action on intelligence that had been provided for this purpose.
which to make its mark in the CD, bolstered by its acute historical aversion to gas warfare, it decided to concentrate particular attention on this fledgling agenda item ([DFAT] int.).

From the beginning, the main Australian priority was to ensure that a global CW ban included stringent verification provisions. A former Australian negotiator recounts: 'We were very keen to get proper verification in there, and I think we were pretty much at the cutting edge in terms of were pushing for really intrusive verification' (Findlay int.). Therefore, like most other Western countries, Australia never considered the Soviet preference to get a quick, lean treaty by applying the BWC model (i.e. a legal prohibition without complex verification and compliance mechanisms). Unlike most of the WEOG, the Australian focus was not on verifying Soviet disarmament, but rather on verifying Third World non-possession (nonproliferation) (Findlay int.; Walker int.).

Prior to the US tabling its 1984 draft text, the Australian delegation focused its energies on chipping away at resistance, primarily from the United States, to even taking the first step towards a meaningfulprocess by establishing an actual negotiating mandate (Findlay int.). One of the few substantive CW issues debated by the CD during this period was Australia's proposal to include a fresh prohibition against use in a new treaty. This initiative had the novel distinction of being opposed by all NATO and Warsaw Pact members.31 Unfazed by nearly universal opposition, the Australian delegation exerted a great deal of effort assembling a 'coalition of the willing', comprising a handful of small neutral and non-aligned states, which eventually won over the opposition. While Australia did sincerely want to see this addressed, it also had an ulterior motive for pressing the issue – to perpetuate debate on something, in order to keep the CW negotiations alive (Walker int.).32

Australia enthusiastically welcomed the US draft text, tabled at the CD by Vice President Bush in April 1984, both for opening the door to real negotiations, and more importantly because its 'anytime, anywhere' approach to verification was very similar to Canberra's own position. Australia was the only country in the CD immediately to respond positively to the initiative, and subsequently worked actively behind the scenes to persuade other delegations to support the 'anytime, anywhere' concept (Butler 1990; Findlay int.; Walker int.). A month after the US draft was tabled, in a public speech during a state visit to Moscow, Foreign Minister Hayden expressed strong support for the proposal generally, and in particular for the verification provisions that his Soviet hosts had angrily scorned as an insincere propaganda ploy by the Reagan administration (Hayden off. 1984).

For the next several years, Australia intrepidly worked to generate momentum in the negotiations. Its major contribution was to spearhead

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31 The US and others argued that at best this was redundant, since the 1925 Geneva Protocol already banned use comprehensively, and at worst the suggestion that the Protocol needed to be replicated would undermine its status as customary international law. This latter consideration was seen as especially problematic by Washington, since it had no real intention of negotiating a global CW ban any time soon, if ever, and which in any case viewed the prospects for universal adherence to such a treaty as remote.

32 It is more than slightly ironic that in recent years Australia has opposed an Iranian initiative to add an explicit prohibition against use to the BWC, arguing that such a provision would be redundant because the existing ban on possession implicitly bars use and the 1925 Geneva Protocol explicitly does so (DFAT off. 1997, 28 May, 3 June).
development of the technical schedules (i.e. lists) of CW-relevant chemicals. It volunteered a succession of talented diplomats to chair the relevant multilateral working group, one of only three in the CWC negotiations at the time, and contributed significant technical resources to this effort (Butler int.; Findlay int.; Hayden tst. 1986). It also took on the role of WEOG coordinator beginning in 1985 (Parliament off. 1986). Based on this prominent involvement, Australia’s Foreign Minister was able to proclaim: ‘The Government has greatly expanded Australia’s involvement in efforts...to conclude the Convention, to the point where foreign commentators have spoken of ‘Australia’s Leadership’ in this area’ (Hayden tst.). Prime Minister Hawke echoed this sentiment, noting that Australia was playing a ‘prominent and almost pre-eminent role’ in the CWC negotiations (Hawke tst. 1989).

In addition to this active multilateral involvement, almost as soon as the United States proposed the idea of ‘anytime, anywhere’ challenge inspections, Australia began unilaterally to examine how this hazy principle could be made to work effectively in practice. Defence officials noted that procedures would need to be developed to guard against frivolous or malicious targeting of non-CW related facilities, especially sensitive sites such as the Joint Facilities. DOD and DFAT cooperatively developed a national position that addressed these concerns while preserving the principle of unrestricted ‘anytime, anywhere’ inspections (Walker int.; White int.).

DFAT also early on solicited suggestions from the Australian chemical industry in order to ensure that any inspection procedures being developed would work in the real world. As part of this effort, Australia in January 1986 staged an unprecedented national trial inspection at a commercial facility in Melbourne, reporting positive results to the CD in a formal paper a few months later (Findlay int.; Freeman & Mathews 1988; O’Sullivan int.). Australia also pushed CWC negotiators to look ahead to structural/organisational questions. Specifically, it advocated diverse regional representation in the decision-making body of the future implementing organisation, so that the Third World would not see the CWC as a tool of the Western industrialised states (Butler int.).

Australia’s multifaceted activism throughout the mid- to late 1980s is quite surprising when one considers that its context was a moribund negotiating environment in which most key players – the United States, the Soviet Union, and the NAM collectively – showed no desire to make meaningful progress. What is not surprising, however, is that Australian activism increased dramatically when the multilateral climate rapidly began to improve from 1989.34

In retrospect, the September 1989 Government-Industry Conference marks the onset of the CWC end-game, broadly defined. It also was a watershed for Australia’s engagement, with his personal involvement through

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33 DOD appears to have been fully satisfied with a relatively unrestrictive mechanism that would allow some significant majority of an executive body to block patently frivolous or malicious requests for challenge inspections at sites with no relationship to CW. This ‘red light’ approach, which ultimately was incorporated into the treaty, was far less restrictive than the procedures that some states favoured during the final stage of the end-game negotiations. Interestingly, because by then Washington had already decided to rely on managed access to address its defensive concerns, it never expressed any strong preferences in this debate (Bushong int.).

34 As noted already, this occurred for a confluence of reasons, including the thawing of the Cold War, the personal interest of a new President in Washington, and widespread international concern about the Iraqi and Libyan CW programs. The Gulf War following the August 1990 Iraqi invasion of Kuwait dramatically heightened this already mounting political will to get serious about banning CW.
chairing this meeting leading Foreign Minister Evans to escalate the CWC negotiations to among DFAT’s highest priorities (Evans int.). Henceforth, the issue was managed at very senior levels, characterised by the routine involvement of Deputy Secretary Michael Costello (Mahley int.; Sydney Morning Herald 5/27/93).\(^{35}\) Perhaps partly due to this high-level oversight, there would arise virtually no serious internal fissures on CWC negotiating positions during the intense and often volatile end-game years; not between the Geneva Delegation and Canberra, nor between agencies, nor within agencies, nor between the government and the political opposition, nor between government and industry ([DFAT] int.; Reese int.).

Immediately after the Government–Industry Conference, Foreign Minister Evans instructed Disarmament Ambassador David Reese to sound out his counterparts in Geneva about convening a CD meeting at the ministerial level in order to give a political boost to the CWC negotiations. However, this proposal was firmly rebuffed by the United States, which asserted that there were still far too many unresolved negotiating issues to even contemplate such an initiative (Reese int.).

Australia was dismayed when a few months later the United States changed key, longstanding elements of its negotiating position. The first blow came in June 1990, when the United States insisted on producing and retaining a residual ‘security stockpile’ of binary weapons, pending universal adherence to the CWC by all CW-capable states. Although its public reaction was muted, Canberra privately beseeched the Bush administration to rescind this proposal, arguing that it would make the Convention unsaleable to Third World countries (Gee int.; Walker int.).\(^{36}\)

A second, arguably more serious, blow to Australian aspirations for a robust CW ban came in August. Without warning or discussion, the United States withdrew its support within the WEOG for ‘anytime, anywhere’ challenge inspections, insisting that States Parties should retain an ultimate right of refusal (Cousins off. 1991, 15 May). Knowing that some in Washington were unhappy about this new stance, Canberra launched an orchestrated, high-level bilateral campaign to persuade Washington to reverse its reversal.\(^{37}\) According to numerous Australian officials, this represented a conscious effort to bolster the leverage of agencies (e.g. ACDA) that were arguing for more rather than less intrusive verification.

Parallel to these behind-the-scene efforts to respond to developments in the WEOG, Australia worked to sustain political momentum in the broader CWC negotiations. In March 1991, Foreign Minister Evans wrote to each of his counterparts in CD member states to revive the idea of convening a CD ministerial meeting as soon as possible before the end of the year. He

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\(^{35}\) Costello subsequently was promoted to Secretary within months of the CWC signing ceremony in January 1993. Interestingly, many of the officials involved in the end-game negotiations received subsequent promotions, including ambassadorships for both Assistant Secretary Richard Starr and one of his principal CWC aides, Martine Letts.

\(^{36}\) Although Amb. Walker was serving as Australian Representative to the UN in Geneva at the time, and so not directly responsible for CWC issues, he was involved in developing the Australian position on this issue, as well as responding to Washington (Walker int.).

\(^{37}\) It seems likely that this greater focus on the ‘anytime, anywhere’ reversal, rather than the security stockpile issue, was based on a pragmatic calculation that, because the US was completely isolated on the latter, it would eventually have to back down. By contrast, the new US position on verification tracked closely with the views of many non-aligned CD members.
explained that such a meeting was needed to address the many thorny outstanding issues at a political level, including verification, universality, technical assistance and cooperation, and organisational structures (Evans off. 1991, 27 March). He reiterated this call publicly in May at a UN conference, and then promoted the initiative in bilateral meetings with various counterparts (DFAT off. 1991c, 1991e; 1991g; Evans off. 1991, 28 May).

Meanwhile, the tempo of behind-the-scenes developments quickened. Washington sent a delegation to Canberra on 2 May 1991 to preview a new proposal on challenge inspections. According to the lead Australian official at this meeting, the United States stressed that its proposal was loosely based on the British concept of 'managed access', albeit a more restrictive version, and therefore was more forward leaning than its August position. US officials also made it clear that this position was the product of a bitter and protracted interagency struggle, and that as such it represented the full measure of US flexibility (Cousins off. 1991, 15 May). Secretary of State Baker reiterated this latter point personally to Foreign Minister Evans a short time later (O'Sullivan int.).

Canberra's initial assessment was that 'the new US position...is a substantial advance on their previous position' on challenge inspections, given that it no longer embraced an absolute right of refusal (Cousins off. 1991, 15 May: 2). Even so, while Australia welcomed this as a step in the right direction, it still saw the specific proposal as unacceptable. For example, Australia told the United States that a number of glaring loopholes would need to be tightened, including procedures for defining site perimeters and for securing the site during delays in access, the precise degree of access when managed access was evoked, and the allowable reasons for it could be evoked (Cousins off. 1991, 15 May).

Canberra's perceptions of the new US position on challenge inspections were doubtless enhanced by President Bush's surprise announcement less than two weeks later on 13 May that the United States would abandon its insistence on retaining a security stockpile, and that it would immediately renounce in-kind retaliation. Australia publicly welcomed this step as a major US concession (Evans off. 1991, 28 May). In the face of the positive atmosphere created by this development, and having been convinced that the US interagency had been pushed as far as it would go, senior officials decided not to oppose the new US position as a basis for further negotiations within the WEOG, while instructing the Geneva delegation to rally support for the changes that Canberra felt were needed to make it minimally acceptable (Cousins off. 1991, 15 May).

Washington then approached Australia (along with Britain and Japan), asking it not only to accept the new US proposal as a basis for further negotiations, but actually to co-sponsor it in order to forestall other WEOG members' rejecting it out of hand. This request presented Canberra with an unpalatable choice. The working-level bureaucracy vehemently argued against associating with a position that grossly violated Australia's fundamental tenets on verification ([DFAT] int.; [DOD] int.). After an agonised internal debate, however, senior officials sided with Disarmament Ambassador Paul O'Sullivan, who asserted that, tactically, it was better to go along with the United States now, and then try to improve the proposal in negotiations within the WEOG. Otherwise, O'Sullivan warned, there was a strong possibility that WEOG
negotiations would stall indefinitely, or even worse, that the United States would be driven to circumvent the WEOG altogether by tabling its proposal in the broader negotiations, where it would likely find considerable support from key non-aligned members (Cousins off. 1991, 15 July; O’Sullivan int.). A memorandum afterwards explaining the rationale for this decision to the Foreign Minister stated:

We are more concerned to put a workable CWC in place as soon as possible in order to establish norms which can help to constrain CW proliferation pressures which are already evident in our region and elsewhere. In this respect we are more concerned to promote a reasonably satisfactory regime which is adopted by the CD and achieves wide and early adherence rather than allow a search for an elusive optimal formulation to remain locked up in interminable negotiations in Geneva (Cousins off. 1991, 15 July: 3–4).

Events unfolded rapidly once the US proposal was tabled in the WEOG in early July as a joint US, Australian, British and Japanese paper. The Australian delegation immediately began to lobby other WEOG delegations bilaterally, on the one hand to convince those opposing any restrictions on access to accept the US proposal as the basis for negotiations rather than rejecting it outright, while on the other to garner the broadest possible support for specific improvements that Australia believed were essential to make it minimally acceptable (Cousins off. 1991, 15 July). According to an internal account:

We utilised our position to play a bridging role with some success. A separate tactical question is whether we moved too soon in accepting the US proposal as a basis for further negotiations. We deliberately took this position in the knowledge that others [deleted] had adopted a more outspokenly critical approach at the beginning. One factor was our desire to keep the US engaged in negotiations with other Western Group members, with a view to improving their proposals, rather than run the risk of the US deciding to push its proposals unilaterally amongst the full CD membership (Cousins off. 1991, 15 July, p. 2).

The same document went on to aver that co-sponsoring the US proposal 'will not constrain our ability to work for further improvements during the next stage of negotiations' (5). Sure enough, as soon as the proposal was accepted by the WEOG as a basis for negotiations, Australia began pressing the United States bilaterally to tighten its many loopholes ([DFAT] int.).

Having co-sponsored the US position, Australia’s avowed goal was to inch it as far as possible towards the original, less restrictive British conception of managed access. For example, by late September, thanks to intense external pressure from the allies and internal White House intervention, the verification proponents in the US interagency had garnered shaky support for a new compromise position that moved the United States closer to British-style managed access (see Chapter 4). This occurred just as Australia sent yet another delegation to Washington to lobby for just such flexibility, led by DFAT Deputy Secretary Costello and Assistant Secretary Richard Starr. In a meeting on 21 September, ACDA Director Ronald Lehman spelled out this new stance as a position that Washington tentatively was considering. He asked the Australians to front for the United States by tabling it as an Australian
compromise, which the United States could then negotiate on whether to accept, depending on the reaction of other WEOG members (Mahley int.). Australia promptly agreed to this in order to foster negotiating momentum. This episode typifies the pragmatic, opportunistic role that Australia played behind-the-scenes as the WEOG haggled over the details of managed access.

At some point during these behind-the-scenes bilateral dealings with Washington in the autumn of 1991, Australian officials came up with an audacious plan to bilaterally negotiate a comprehensive compromise with Washington that would address all of the outstanding disputes in Geneva, great and small, as reflected in bracketed language in the rolling negotiating text. The goal would be to come up with a package that would address the many concerns of many governments, but in a way that Washington could accept. This bold idea was triggered by an off-hand remark by ACDA Director Lehman, who mused to a senior Australian official that, when he had been chief START negotiator, he had always liked to have a complete treaty in his breast pocket that he knew he could sign on the spot, in order to help himself focus on the big picture during intricate technical negotiations. To Lehman’s Australian listener, this passing remark suggested a way for Canberra to contribute decisively to the progress of the CWC negotiations (Mahley int.; O’Sullivan int.).

In effect, Australia proposed to take upon itself the task of negotiating with the United States bilaterally on behalf (unbeknownst to them) of the interests of all of the other CD delegations. As one observer notes, this represented a ‘crash through or crash’ approach (Findlay 1993: 19). Another comments: ‘The decision to attempt to draft acceptable solutions to all the unresolved issues was an adventurous undertaking’ (McCormack 1993).

The process itself involved an intense series of highly secret bilateral negotiating rounds in Washington, with Australia trying to press the envelop of US flexibility. The lead US negotiator in these talks recalls: ‘When Gareth Evans put that text down, he know that the US could sign it because of six months of work that we had had very quietly.... There were a lot of fights bilaterally in that process’ (Moodie int.). Another US participant ruefully recalls that the bilateral process was so intensive that talks were not even suspended for Thanksgiving, perhaps the most sacrosanct American family holiday ([OSD] int.).

At the end of the day, Australia would have preferred a much more rigorous treaty than the one that emerged from this process, particularly in terms of stringent verification. But it had obtained major US concessions on a number of key issues. Based on its protracted talks in Washington, it concluded that the resulting draft text embodied the maximum flexibility that could be obtained from Washington, and that in the final analysis it was better to have a less rigorous treaty than no treaty ([DFAT] ints.).

Bilaterally agreed text in hand, Australia moved on to the next challenge – selling it to the rest of the CD as a ‘model compromise’ that would allow the CWC negotiations to proceed to a quick and successful conclusion. Even as

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38 Among the concessions obtained by Australia, the US had agreed to remove the most glaring restrictions that it had sought on challenge inspections, for example shortening the time between notification of an inspection and access within the perimeter from 228 to 168 hours. The US also had expanded routine inspections to included all facilities capable of producing 100 tonnes of CW precursors annual, as opposed to only facilities that had actually done so in the past (Findlay 1992a).
Foreign Minister Evans tabled the Australian draft text in Geneva on 19 March 1992, Australian officials were travelling to some 33 capitals to explain and promote it in face-to-face meetings (CWC Bulletin [16] 1992; Findlay 1992a). This marked the beginning of intensive Australian involvement at the highest levels to push the negotiations to closure.

The Australian text succeeded in changing the fundamental dynamic of the negotiations. As one of its primary authors notes: 'The Australian initiative was instrumental in shifting the negotiating climate in the CD from a circular, unproductive issue-by-issue negotiation, to a comprehensive, package approach for completion of the treaty text' (Letts 1992). For the remaining months of the negotiations, Australia would play a central role in facilitating compromises. Foreign Minister Evans returned to Geneva relatively frequently, often remaining for unprecedented, extended periods, in order to resolve specific problems in bilateral meetings on the margins of the negotiations. He recalls:

A lot of it was sort of ego massaging....you had me as the Minister fighting it out on an equal basis with these lowly disarmament ambassadors, who didn’t think of themselves as lowly and who were quite sort of chuffed by the attention they were given (int.).

For the most part, Australia focused on finding common ground, rather than promoting its own national agenda. However, it continued to press certain national priorities, for example holding the line on tough verification, and urging that early attention be given to structural/organisational issues so that the treaty could be implemented effectively as soon as it entered into force (O’Sullivan int.).

Australian activism in the CWC negotiations culminated in a campaign on behalf of the final text agreed in Geneva. It was among a handful of governments, along with Germany, the Netherlands, and the United States, to engage in intensive bilaterally lobbying once this text had been remanded to CD capitals for final approval (Findlay 1993). Subsequently, Canberra lobbied for a favourable vote in the UNGA to endorse the treaty, and then for the widest possible number of signatures. It was especially active in urging China to become an original signatory. Later it worked bilaterally to secure the post-signature ratifications needed to allow the treaty to enter into force. It was particularly successful at delivering the support of the countries in its immediate region with which it had been laying the groundwork for several years (see below) (DFAT off. 1992, 2 December, 1994, November; [DFAT] ints.; Findlay 1993).

As the prospects for US ratification stalled in the Senate over the next several years, Australia likewise worked publicly and privately to encourage progress (Parliament. Senate off. 1995, 8 June; O’Sullivan int.). Once Hungarian ratification in late 1996 triggered the countdown to entry into force, Canberra stepped up its public calls for both the United States and Russia as the only declared possessor states to ratify in time to become original States

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39 Findlay notes that this ‘final’ draft was in fact amended once before becoming the actual final text.

40 Because the CD is a limited-membership body, its work needed to be endorsed by the wider international community in the UNGA.
Parties (Downer off. 1996, 1 November). 41

Australia itself was only the sixth signatory (and one of the first Western governments) to accede to the treaty on 6 May 1994. Both houses of Parliament unanimously had passed the ratification legislation unamended on 25 February with the support of all parties, including independents and minor parties (e.g. Greens, Democrats). This bill included several hundred pages of detailed procedures to govern national implementation. Parliamentary debate was limited to speeches on behalf of the major and minor parties to express unconditional support for CWC ratification, and to commend Foreign Minister Evans and DFAT for their decisive roles in shepherding the negotiations to a successful conclusion (Attorney's-General Department off. 1998; Evans off. 1994, 7 May; Parliament. House off. 1994, 9 February; Parliament. Senate 1994, 2, 3, 9 February). 42

Canberra remained engaged on CWC issues at very senior levels throughout the extended work of the PrepCom in The Hague. This keen political interest in what was ostensibly a technical process was based on the perceived need to insure that, under the guise of developing implementation procedures, other governments were not permitted to dilute the terms of the treaty, particularly in terms of verification. ‘That was our main focus in the PrepCom process’, a middle-ranking official recollects, ‘to make sure there wasn’t any watering down of those provisions’ ([DFAT] int.). A particular concern at very senior levels was that the United States was not doing anything to counter attempts by both Israel and France within the WEOG, and some NAM countries in the wider forum, to ‘walk back’ intrusive on-site inspections. This was all the more irritating to Canberra because it had been Washington that had insisted that Israel be allowed to join the WEOG. Indeed, some Australian officials suspect that Washington, or at least certain elements of the interagency, was intentionally using Israel as a stalking horse in the WEOG to undermine verification. Australia consequently was forced to fight a rear-guard action. It complained bilaterally to Washington, saying that it expected US support in maintaining the hard-fought compromises that had been negotiated in Geneva ([DFAT] ints.).

Prior to entry into force, Foreign Minister Downer made a special trip to the PrepCom in order to send an unmistakable signal that Canberra remained committed at the highest levels to full and effective implementation (CWC Bulletin (35) 1997). Although Canberra remains concerned about the unilateral conditions that the United States has applied pursuant to the terms of its ratification, it has been generally satisfied with the operation to date of the CWC since entry into force ([DFAT] ints.).

Other Non-possession Responses

Australia is perhaps the only Western government that actively tried to promote regional non-possession structures as well as a global ban. The pre-

41 In the event Washington scraped in by a matter of days (see above), while Moscow missed the deadline, ratifying too late to be counted as a charter member.
42 It should be noted the Australian Parliament has far less of a role in treaty ratification than the constitutional prerogatives of the US Senate. The applicable bill therefore in essence represented implementing legislation, rather than consent to ratification per se. Parliamentary involvement in treaty ratification has been increased since CWC ratification, with new procedures introduced in May 1996 creating a standing consultative committee on treaties.
eminent example of this is the Chemical Weapons Regional Initiative (CWRI), launched with considerable fanfare by Prime Minister Hawke in June 1988 (CWC Bulletin [2] 1988). The process involved 22 governments, representing most of the countries of Southeast Asia and the South Pacific, participating in a series of annual political seminars, plus additional technical workshops (DFAT off. 1994, November; McCormack 1993). As noted above, this initiative ultimately facilitated CWC entry into force by laying the groundwork for early regional ratifications. Its primary purpose, however, was to ensure strong regional implementation within the global treaty structure. This strategy reflected the fact that the main Australian interest in the global CWC was to prevent proliferation locally ([DFAT] int.).

Australia also flirted with bone fide CW-free zones. In the internal deliberations that eventually led to the CWRI, DFAT gave serious consideration to proposing a regional CW-free zone as an immediate step. However, because such instruments had previously been proposed by Warsaw Pact states as alternatives to a universal instrument, the concept ultimately was rejected for fear of undermining the CWC negotiations (Findlay int.; Walker int.). Nonetheless, according to an official directly involved in the process, CWRI was always seen as laying the groundwork for a regional CW-free zone as a hedge against not achieving a global ban. He states:

Of course, while the CWC negotiations process was alive, we used the regional initiative as a means to drive countries’ in the region level of awareness of the potential problem, hoping to get them on board the CWC. [But] if the CWC hadn’t worked out, we would have tried to turn the regional initiative into some kind of regional chemical weapons free zone ([DFAT] int.).

Further, during the Gulf War, Australia privately urged Washington to consider sponsoring a CW-free zone in the Middle East as an interim measure pending completion of the CWC (DFAT off. 1990, 11 December). The primary Australian motive for participating actively after the Gulf War in the multilateral security talks associated with the Middle East Peace Process, which did not specifically address proliferation, was as a means to address the underlying conditions that were creating demand for WMD. This was explicitly seen as a way to foster eventual participation in global non-possession norms, and in particular the CWC, in a region that represented a cauldron of proliferation ([DFAT]int.).

Australia thus has actively promoted regional non-possession

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43 Technically at least CWRI remains an ongoing process. However, in reality DFAT stopped expending resources around the mid-1990s, once regional CWC ratifications had been achieved ([DFAT] int.).

44 Noting that Egypt and other regional countries would never accept a ban on CW while Israel remained outside the NPT, this memorandum suggests that the only viable way to achieve a regional ban on CW might be through a wider WMD-free zone.

45 Interestingly, Australia has not had the same motives for participating in the ASEAN Regional Forum (ARF). Although it has certainly raised the issue of proliferation, its overwhelming motive for pushing the ARF process has been to foster regional dialogue as a means to promote regional stability for its own sake.

46 As discussed in Chapter 4, the United States claimed to subscribe to similar ‘demand reduction’ motives for pursuing regional security arrangements in the Middle East and elsewhere. However, there is little evidence to suggest that this was ever a significant motivation compared with promoting regional stability for its own sake.
arrangements and associated initiatives for a variety of purposes: as interim measures pending a global ban, as fall-back measures in case an acceptable global instrument failed to materialise, and in the event as supplemental measures to reinforce participation in, and implementation of, the global instrument.

**Consequence-mitigation**

**Counterproliferation**

The Defence Science and Technology Organisation (DTSO) has engaged in research on CW defence for several decades. This effort has always been exceedingly limited though, and has focused on disarmament verification issues in addition to military applications. DTSO has also concentrated on niche research, rather than trying to pursue a comprehensive program with extremely finite budgetary resources (Brabin-Smith tst. 1997; Punch tst. 1995).

Additionally, the Australian Defence Force (ADF) has maintained an inventory of basic protective equipment (i.e. gas masks), as well as limited personnel training in its use. However, these programs have been modest in the extreme. For example, when Australia deployed a relatively small contingent of mostly naval forces as part of the 1990–91 Gulf War coalition, the ADF was hard pressed to find enough gas masks to equip it, since most of its inventory were reaching the end of their useful lives (Ray tst. 1990). Moreover, in spite of this experience, DOD does not appear to have sought to acquire new equipment prior to the 1999 budget (Moore tst. 1999).

The limited extent of Australia’s defensive capabilities has not been the inadvertent result of dereliction or oversight. Instead it has reflected quite conscious policy decisions to forgo counterproliferation. The 1987 Defence White Paper (Defence off. 1987) specifies that the ADF would only maintain very basic CBW protective capabilities, representing a low priority. US overtures in the mid-1990s for enhanced counterproliferation cooperation, which Australia rebuffed, had focused primarily on the CW area ([OSD] int.). Subsequently, Australia’s recent foreign policy white paper states:

> The global treaty banning chemical weapons...advances Australia’s national security by...removing from the Australian Defence Force the onerous requirement to be equipped to operate in an environment where chemical weapons are being used (DFAT off. 1997: 47).

In recent testimony, the head of DTSO noted that, although US Defense Department assessments had made a strong case for the need to develop new CBW counterproliferation capabilities, there had been no consideration given at the ministerial level to augmenting Australian activities in this area (Brabin-Smith tst. 1997). Interviews with current officials confirm that Canberra’s disinterest in CBW countermeasures remains firmly intact.

**Deterrence**

To the extent that Australia has any deterrent capability against CBW attack, it is derived largely from the extended deterrence that it receives as a close ally of the United States. In this sense, Australia’s policies on CBW deterrence therefore boil down to its measure of for US deterrent postures.
It has already been noted that Australia was actively hostile to US attempts to preserve its in-kind deterrent capabilities during the CWC negotiations, most notably by opposing the Bush administration’s security stockpile proposal (see above).

As for nuclear deterrence, Canberra has not taken a formal position on recent US decisions to expand the umbrella of nuclear deterrence to cover CBW attacks including against US allies (White int.). However, it has implicitly acted to undermine the US position. In 1995 the Australian government argued before the World Court that, if the Court were to render an opinion on the legality of nuclear weapons, then it should find the use or threat of use of nuclear weapons illegal under all circumstances (DFAT off. 1996, March). The next year, the government-sponsored Canberra Commission for the Elimination of Nuclear Weapons explicitly rejected the notion that nuclear weapons could have value or legitimacy in deterring CBW attacks. In its lengthy analysis of this issue, the Commission’s report asserts that, rather than deterrence, the appropriate response to CBW threats was to strengthen and effectively implement the CWC and BWC (Canberra Commission off. 1996).

SECTION 3: CASE STUDY – BIOLOGICAL WEAPONS

Relative Priority

Prior to the 1990 Gulf War, BW proliferation received virtually no attention at senior levels within the Australian government ([DFAT] ints.; Harris int.). Even for the working-level bureaucracy, BW nonproliferation was at the lowest rung of acknowledged priorities. For example, on the eve of the Gulf War, the sum total of DFAT personnel assigned to BW was a single junior desk officer on a part-time basis, who had never done anything more than write a few background papers which had never received any attention ([DFAT] Int.).

The Gulf War served marginally to heighten concern about the latent threat posed by BW proliferation. The Office of National Assessment (ONA) was prompted to conduct a national intelligence assessment, although this seems merely to have re-validated the standing assessment that Australia faced no BW threats in its strategic region (DFAT off. 1991, 18 July; Defence off. 1994). Bureaucratic awareness of the BW issue was also reinforced by multilateral processes: the 1991 BWC Review Conference (RevCon) and the expansion of the AG to include BW. Nonetheless, the issue remained a relatively low bureaucratic priority, and was still virtually ignored outside DFAT’s disarmament branch ([DFAT] ints.). Then Foreign Minister Evans recalls:

47 By contrast, Australia has a longstanding policy of formally supporting the use of US nuclear forces to deter a nuclear attack against Australia (White int.).
48 That said, Australia hedged its position by recommending against the Court rendering any opinion whatsoever, as well as by acknowledging the necessity of a transitional period before nuclear weapons could feasibly be eliminated.
49 It should be noted that the report’s ‘official’ status is somewhat ambiguous. The Commission was initiated and sponsored by the government of Prime Minister Keating, and Australian officials explicitly stated at the time that the significance of the Commission was that its final report would be officially transmitted from a Western government to other governments (Ungerer 1998/99). The Howard government continued this sponsorship, but did not identify the recommendations in the final Report as expressing formal Australian policy. Foreign Minister Downer appeared to walk a fine line on the Report’s status when he presented it to the CD in Geneva in January 1997, urging its consideration without formally endorsing its specific recommendations (Downer off. 1997, March).
‘Biological I wasn’t really that focused on because we were doing such a heavy press on chemical and it was the priority’ (int.).

The BWC element of the issue began to attract senior-level attention in 1993, with progress on launching negotiations on a verification protocol occurring nearly simultaneously with the completion of the CWC negotiations. But it was not until 1996 that the issue rose to the very top of the Australian disarmament agenda. This was because incoming Foreign Minister Alexander Downer quickly singled it out as one of his personal priorities (Jones int.). This development does not appear to have been based on any reassessment of the BW threat, so much as a judgement that the BWC talks represented the only active multilateral disarmament process that showed any chance of short-term progress ([DFAT] ints.).

**Capability-denial**

**National Export Controls**

Australian exports of biological material and BW-related equipment were totally unregulated prior to the AG adopting applicable multilateral guidelines in the early 1990s (Australia Group [AG] off. 1990; DFAT off. n.d.a, 1991, 24 May). Canberra quickly implemented new AG requirements once they were agreed, for example distributing the Group’s 1990 BW warning list widely to relevant domestic industries (AG off. 1990). But it has only ever imposed relevant licensing requirements in strict accordance with the agreed AG lists.50

**Multilateral Export Control Regime: Australia Group**

Unlike the leading role that it played in establishing multilateral export controls on CW-relevant items, Australia followed the American lead in expanding the scope of the AG to include BW nonproliferation ([State] int.). Canberra did support the original US initiative in early 1990 to address BW proliferation through warning guidelines to facilitate voluntary corporate vigilance (DFAT off. 1990). Yet even this mild step engendered caution. Australia informed the AG that, consistent with its position regarding the CWC, it considered this to be a strictly temporary measure, pending negotiation of a BWC verification protocol, although it recognised that unlike the CWC this was still a distant prospect (DFAT off. 1990; [DFAT] int.).

Australia responded warily to subsequent US efforts to enact actual controls on BW-relevant items. In bilateral disarmament consultations in November 1990, just before the first AG meeting since the start of the Gulf Crisis, Australian officials voiced deep scepticism about trying to go beyond voluntary industry guidelines. They asserted that an informal organisation like the AG could not regulate such heavily dual-use exports, and that therefore the best solution to the BW problem would be to enhance the BWC (Fox off. 1990). In the face of US determination, however, Canberra accepted that some BW-related controls could be useful, and that this was not necessarily incompatible with its higher priority goal of strengthening the BWC (DFAT off. 1991, 3 May).

Once real prospects for enhancing the BWC emerged in late 1994, Australia and its AG partners once again faced the threat that the NAM would

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50 Catch-all controls could be considered a generic exception. Additionally, symbolic restrictions on the export of BW *per se* have existed since the late 1970s under BWC implementation legislation.
hold this process hostage to their still unsatisfied demands that the AG be disbanded once and for all. Throughout the VEREX process to explore the feasibility of BWC verification, a number of states repeatedly expressed displeasure with AG members’ failure to make good on the implied promise of the O’Sullivan Statement. Iran sought to insert the issue of cooperation and assistance into any new negotiating process by having it noted in the final VEREX report. Like most other Western governments, Australia opposed this move, but backed down when Iran threatened to derail a negotiating mandate by blocking consensus on the VEREX report (DFAT off. 1993, 21 October, 1994, 22 July).

The future of the AG has been squarely on the AHG table since the negotiations began in Geneva, with hard-line NAM states demanding its total elimination as a quid pro quo for supporting a compliance protocol. Because no agreement is imminent, however, this issue has not yet posed a negotiating crisis. Canberra’s strategy is to hope that moderate non-aligned states ultimately will prevail on the others to pull back from a showdown ([DFAT] int.). It therefore has made no formal effort to consider bottom-line positions. Informally, the prevailing mood appears to be that additional concessions will be needed ([DFAT] ints.). As one official notes:

You can’t ignore the fact that a lot of countries are only in this process because they want to get out of it something on the technical cooperation side. And that probably isn’t our priority, but for a number of countries it is, and we’re going to have to be a bit more forthcoming on those sorts of issues if we’re going to get the powerful disarmament side and the verification side that we want ([DFAT] int.).

Precisely how far Canberra will consider going to address the NAM’s demands remains to be seen as the AHG negotiations unfold.

Wider Export Control Norms

Australia’s reluctance to promote the AG as a wider export control norm in the CW field has, if anything, been more pronounced in the BW sphere. To the extent that Canberra has been at all willing to promote wider export control norms, it has been almost exclusively in the context of BWC Article III. For example, prior to the September 1991 BWC Third Review Conference, Foreign Minister Evans briefly stated in a lengthy speech on disarmament: ‘The Final Declaration of the Conference should spell out measures that States Parties could adopt as non-proliferation measures under Article III’ (Evans off. 1991, 28 May).52

Notwithstanding this understated but reasonably supportive public stance, classified internal documents prior to the 1991 RevCon reveal significant scepticism about trying to bolster implementation of Article III. DFAT assessed that the robust measures that Washington envisioned were of dubious value given the dual-use nature of the technology involved, and also unlikely to

51 According to this official, the prevailing view in Canberra is that many of these states are merely posturing about the AG as a means to squeeze Western concessions on other issues.

52 The 1991 RevCon marked the first significant effort by the United States and others to use Article III as a basis to promote broad export controls. Although Article III was considered in passing at the two previous RevCons in the 1980s, the focus of these meetings had been squarely on compliance with Article I (i.e. non-possession).
garner Third World support (DFAT off. 1991, 18 July; Starr off. 1991, 22 August). In this context, the Australian delegation to pre-RevCon consultations in the WEOG was instructed to express only conditional support for US non-transfer ideas (DFAT off. 1991, 18 July).

In the event, Australia opted merely to support encouraging participants to exchange information on all of their national implementing measures (including those relevant to Article III). Even this unmistakably meek proposal was further diluted by being couched in an extremely restrictive interpretation of Article III; namely, that it forbids the transfer of BW per se, but does not address dual-use items (DFAT off. Starr 1991, 22 August). In other words, Australia declined to support any concrete measures to urge BWC members to regulate transfers of BWC-related equipment or technology. Moreover, the instruction cable to the Delegation explains that Australia had decided to take even this patently milquetoast stance only due to 'our role as Australia Group chair and consequently expectations from other Australia Group members that we would support strong non-proliferation rhetoric and measures' (DFAT off. 1991, 10 September: 5).

An internal DFAT paper explains the basis for this reluctance to support US-led efforts to strengthen Article III:

We recognise the need to give support in principle to non-proliferation action in the BWC framework. In our view the question of the effectiveness of non-proliferation measures is critical. We do not see value in supporting measures which only serve to alienate the Third World parties to the Convention without constraining the spread of BW (Starr off. 1991, 22 August: 5).

A mid-level official at the time publicly made the same points in more straightforward language:

Of course non-proliferation measures are the instinctive US response to any arms control issue....Export controls in whatever framework tend to make Third World countries jittery....There is a danger that in emphasising controls on proliferation of overwhelming the treaty which is about in the first instance disarmament. Non-proliferation is a sub-objective of disarmament and the two objectives cannot be pursued as if they are compatible (Fox off. 1991: 9).

During the VEREX process, Australia expressed modest support for using future protocol negotiations to strengthen Article III, possibly by linking export controls to an illustrative to elaborate Article I (DFAT off. n.d.b; Dauth off. 1992, 27 March). However, this does not appear to have been an active priority during the subsequent AHG process, in which Canberra has focused on provisions to verify non-possession.

National Enforcement Mechanisms

As with CW denial, Australia has conspicuously refrained from undertaking enforcement actions; if anything, its position has been even more low key. There does not appear to be even a single case in which Canberra has attempted to interdict specific transfers, or even to express concerns after the fact. Again, Australia has not implemented any nonproliferation sanctions other than those required under international law.
Other Capability-denial Responses

There have been no apparent cases where Australia has used other denial measures against BW programs.

Non-possession Norm-building

Global Non-possession Norm: Biological Weapons Convention

Australia’s participation in the 1980 First BWC RevCon was extremely low key. But by the next RevCon in 1986, Australia’s growing involvement in CW disarmament led it to take a more activist role, as a complement to its efforts in the CWC negotiations.

Although Australian officials regarded the Convention as grossly inadequate due to its lack of verification, they also recognised that the implacable opposition to BWC verification by the two superpowers and many Third World countries meant that there was virtually no prospect for rectifying this perceived shortcoming. Instead, Australia set out to promote the more achievable outcome of promoting voluntary, modest CBMs (data declarations). A secondary aim was to work to ensure that US allegations of Soviet non-compliance did not distract from achieving such positive goals, by neutrally stressing that the dispute highlighted the need for some type of verification (Walker int.; Gee int.).

Australia played an active role during and after the 1986 RevCon in instituting voluntary CBMs, proposing specific measures and nominating the UN Department for Disarmament Affairs to coordinate data exchanges. Australian Disarmament Ambassador Butler shepherded these proposals forward in the pivotal role of chairman of the drafting committee (DFAT off. 1990, 1 June; Sims 1989). The Australian delegation also was responsible for crafting a compromise that side-stepped an attempt by India and other non-aligned states to hold CBMs hostage to creating a new organisation to implement the peaceful cooperation obligations provided for in Article X (Sims 1990b).

Following the 1986 RevCon, Australia played an active role in the intersessional working group that developed modalities (e.g. formats) for data exchanges according to the mandate provided by the RevCon (Starr off. 1991, 21 January). Finally, concerned that it had been one of only four governments (with New Zealand, UK, US) to submit declarations (Pearson & Sims 1998), Australia co-sponsored resolution at the UNGA in late 1989 asking the Secretary General to report on participation in the voluntary BWC CBMs (CWC Bulletin [7] 1990).

In June 1990, Australian diplomats met with the Austrian disarmament officials who would preside over the September 1991 RevCon to discuss preparations well in advance. Australia indicated that it saw little point in aggressively promoting verification given continuing superpower opposition and competing priorities:

A thoroughgoing attempt to reform the BWC could not be sustained and may dissipate energies best devoted to the CWC. Modest progress on the BWC...has more chance of success (both for the BWC and in terms of not undermining the CWC negotiations (DFAT off. 1990, 1 June: 6).
Canberra therefore indicated that it would prefer to see the RevCon focus on improving the scope and implementation of existing CBMs and other modest, incremental measures.

The swift changes in the international climate brought about by the Gulf War, as well as Moscow’s decision to drop its categorical opposition to BWC verification, dramatically energised Australian aspirations on BWC verification. By November 1990 Canberra had concluded that ‘the pressures for work on BW verification are mounting’ (DFAT off. 1990). Although still mindful of distracting attention from the CWC negotiations, and aware that Washington’s unyielding opposition would be difficult to overcome, senior DFAT officials decided cautiously to pursue a more ambitious agenda for the September 1991 RevCon. During senior-level bilateral disarmament talks with the United States that month, Australia stated that, although it was aware of the difficulties involved, it nonetheless wanted to explore verification options (Fox off. 1990).

Australia was less circumspect during bilateral meetings with other Western governments. It lobbied for concrete action on verification at the upcoming RevCon, calling for states to use the intervening period to examine the feasibility of negotiating a full-scope verification instrument. The instructions for these meetings explained: ‘A central objective of Australian policy...is to move US thinking beyond confidence building measures (additional measures, improvements to existing measures) to support a BW verification regime, modelled on the CWC regime’ (DFAT off. 1990: 2).

Canberra went on record with this position at the beginning of 1991. Its ‘national position paper’ for a Dutch-sponsored meeting to prepare for the Third RevCon stated: ‘Australia believes that a verification regime based on the CWC model should be technically feasible and appropriate’ (Starr off. 1991, 21 January: 7). It went on to state that while Australia supported immediate steps such as strengthening existing CBMs, its main objective for the Third RevCon would be to take steps to set verification negotiations in motion, specifically by creating an ad hoc group with a mandate to negotiate a full-scope verification protocol in time for the Fourth RevCon in 1996. An later internal background paper noted that the primary obstacle to moving this position forward would be the US position characterising BW verification as technically impossible (DFAT off. 1991b).

Having staked out an aggressive diplomatic position, Australia moved to raise the political profile of the verification issue. In a May 1991 speech to a UN disarmament conference, Foreign Minister Evans not only called for the RevCon to approve a negotiating mandate, but also launched a thinly veiled attack against the United States:

> At the Third Review Conference...a central issue will be to make progress on verification against the belief held in some quarters that verification is not possible. I believe it is possible, particularly if the sources of ambiguity in the text of the Convention – which allegedly make it unverifiable – are resolved through explication and elaboration (Evans off. 1991, 28 May, pp. 8–9).\(^{53}\)

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\(^{53}\) One of the practical obstacles to verifying compliance with the BWC is that non-compliance is poorly defined because the treaty does not specify what agents are prohibited, and allows possession of unspecified quantities of any agent for poorly defined allowable purposes.
Despite this uncompromising public rhetoric, Australian officials revealed in private talks with New Zealand several weeks later that they were already planning a tactical compromise. Given that the United States and others were certain to reject its calls for a negotiating mandate, Canberra would instead seek an experts group with a mandate to examine feasibility and options. This more palatable step could then lead more or less automatically to bone fide negotiations. In order to ensure progress along these lines after the RevCon, Australia would also push to establish a separate working group to develop lists to elaborate Article I, and an intersessional oversight committee to oversee these working groups and implementation of CBMs (DFAT off. 1991d).

At about the time when Australia was finalising its position in late July, Washington informed Canberra that it had reluctantly decided not to go along with an intersessional group with a narrow mandate to examine the technical feasibility of verification. Australia responded during senior-level bilateral consultations in August that it viewed this concession as inadequate, telling the United States:

> We believe that progress on verification is a major – if not the major – issue facing the Review Conference. We will argue for the establishment of an expert working group on verification to examine not just questions of feasibility but to develop verification options. Unlike the US we are not convinced at this stage that the group should not be given a negotiating mandate, (DFAT off. 1991f: 1)

Foreign Minister Evans signed off on a final negotiating position for the RevCon following this bilateral exchange. Canberra would oppose US suggestions to make CBMs legally-binding, on the grounds that ‘they may be superseded in due course by a verification package’ (DFAT off. 1991, 18 July: 8). Instead it would sponsor a comprehensive package of proposals:

> Advancing the issue of BW verification is our most important objective. We have therefore given priority support to a proposal to initiate a process which addresses verification from the feasibility study stage to the negotiation of a verification protocol or annex. Any verification regime will be modelled on the CWC verification regime and will contain the same components of annual data reporting and various kinds of inspection. As well as a process which would set in train serious examination of BW verification, we have also given priority to putting in place as confidence building measures the components of a future verification regime. Linking these proposals is a measure for the establishment of an inter-conference BWC organisation (Starr off. 1991, 22 August).

The classified instruction cable to the Australian delegation explained that this package was designed as ‘a workable compromise’ to bridge the unresolved differences between the preferences of Australia (and other Western states) for a negotiating mandate ‘versus the more limited objective of a study group on the feasibility of verification’ (DFAT off. 1991, 10 September: 2). The heart of this compromise was a set of interrelated proposals that would lead quickly and more or less automatically from an initial feasibility study to a follow-on negotiation. The cable bluntly tells the delegation to use Australia’s institutional influence as RevCon Vice President to promote this national agenda, as well as
to deflect US attempts to raise concerns about Soviet compliance that might distract attention from it.

In the event, Australia did not achieve most of its goals. Its proposals for an intersessional working group to elaborate Article I with lists and thresholds, and for an interim oversight organisation both were blocked. Its proposals to significantly expand the scope of CBMs in a way that would lay the groundwork for a full-scope verification regime was also largely unsuccessful (DFAT off. 1991, 27 September). However, it did succeed in leaving the door open to a Special Conference of States Parties in the event that the verification experts (VEREX) group concluded that verification was feasible. In this regard, Australia stated during the RevCon that it fully anticipated that this process would confirm the need for intrusive verification measures (O'Sullivan off. 1991, 12 September.).

Throughout the VEREX and subsequent AHG processes, Australia's purpose for any new protocol was only secondarily that it should be able to detect non-compliance with any certainty. The main benefit that Canberra had ascribed to a BWC verification regime was rather to enhance the normative value of the Convention. A verification protocol would contribute to this by requiring States Parties to participate in the political acts of negotiating, signing, and ratifying what would amount to a new treaty, and by creating an ongoing process through which members could cooperatively affirm their compliance and gain confidence from others doing likewise. From this norm-building perspective, Australia was confident in its conviction that imperfect verification was better than no verification, and that the goal therefore was simply to get as much verification as possible (Bird off. 1994, 28 July; Butler 1998, 19 June; [DFAT] int.; Starr off. 1991, 22 August).

Canberra faced an uphill struggle in the VEREX process, with the United States, China, and key developing states such as India united in staunch opposition to moving ahead with verification (DFAT off. 1993, 27 September). As the late 1993 deadline loomed, Canberra intensified bilateral efforts to convince key opponents not to block consensus on a favourable final report (DFAT off. 1992; DFAT off. 1993, 3 September). Australia was therefore extremely gratified when the new US administration dropped its categorical objections to a positive report at the final VEREX meeting in September 1993, although it remained frustrated by the persistence of what it saw as unwarranted US concern about protecting sensitive commercial and national security information (Bird off. 1994, 28 July; DFAT off. 1993, 21 October). 54

Having unexpectedly obtained a reasonably positive VEREX outcome, Australia lost no time in making the most of it. It delivered a strong statement at the UNGA, calling for a BWC Special Conference to be convened in order to rapidly move the process forward (DFAT off. 1993, 15 October). Canberra then launched a concerted bilateral effort at the Foreign Minister level to persuade key States Parties to support a formal request for such a meeting, reinforcing this ministerial effort with diplomatic demarches to all States Parties (DFAT off. 1993, 10 October, 6 December).

In the lead-up to the September 1994 BWC Special Conference, Foreign

54 This internal DFAT document credits Australian efforts with a large measure of the credit for the Clinton administration's qualified policy reversal. However, US officials reveal that this decision was influenced more by internal dynamics than external diplomatic pressure (see Chapter 4).
Minister Evans approved a coordinated bilateral campaign targeting all Western states, and in particular the United States, as well as states in its region, to encourage support for a negotiating mandate for a full-scope verification protocol. The aim of this campaign was to avert consideration of any lesser outcomes, for example a mandate merely to strengthening CBMs (Bird off. 1994, 28 July; DFAT 1994, 19 September). It also volunteered Disarmament Ambassador Richard Starr, a highly respected diplomat, to serve as the Vice-Chairman of the Special Conference to facilitate this outcome.

Australia from the start played a central role in the resulting AHG negotiations, not only serving as Vice-Chairman of the process, but later also taking on the critical role of ‘Friend of Chair’ for legal issues (Tucker 1998b). Unlike Washington, Canberra’s enthusiasm for BWC verification was not dampened by revelations at the start of the AHG process about the failure of UNSCOM to detect Iraq’s residual biological weapons programs despite scores of highly intrusive inspections over several years, nor by the parallel failure of the Trilateral Process to resolve concerns about Russian compliance ([DFAT] ints.).

Throughout the ongoing AHG talks, Australia has refused to back away from its support for intrusive routine and challenge inspections. In early 1996 it conducted a national trial inspection at a corporate biotechnology facility, submitting a report to the AHG that concluded that managed access could adequately protect proprietary information, and that routine inspections of this type would significantly deter BWC violations (Pearson 1997b). A classified internal document in mid-1997, while noting that many key issues remained unresolved after nearly two years of negotiations, firmly ruled out any compromise that did not include at an absolute minimum: compulsory declarations of relevant facilities/activities, infrequent routine visits to declared sites, and short-notice challenge inspections (DFAT off. 1997, 3 June).

In the absence of dramatic breakthroughs nearly a year later, despite the adoption of rolling text in July 1997, and what appeared to be a renewal of US political commitment in President Clinton’s January 1998 State of the Union speech, Foreign Minister Downer announced on 2 March 1998 that Australia would henceforth consider spurring progress in the AHG as one of its top priorities, citing Australia’s role in the CWC negotiations as a model. The centrepiece of this initiative was a call for a meeting of BWC foreign ministers to give political momentum to the AHG negotiations ([DFAT] int.; Downer off. 1998). In an unmistakable reference to Australian frustration at the continuing absence of a sincere US commitment, a senior official explains that this initiative was motivated by ‘a feeling that the BW negotiating process was drifting, and importantly some key countries, friendly countries, were content with that’ ([DFAT] int.).

Foreign Minister Downer’s BWC ministerial meeting was held in New York in September 1998. It achieved its core objectives to the extent that it was

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55 As noted elsewhere, this failure was revealed as a consequence of the defection of a high-level Iraqi official. The scope of the failure was such that, at the time of this defection in August 1995, Ambassador Rolf Ekeus, the head of UNSCOM, was within weeks of issuing a final report giving Iraq a clean bill of health on BW (Butler 1998, 19 June).

56 Through an unhappy quirk of fate, Downer himself was unable to chair the meeting as planned, because for domestic political reasons Prime Minister Howard called a federal election for soon after the scheduled meeting. (Australian law prohibits ministers from participating in such high-profile public events
widely attended and focused high-level political attention on the AHG process. Participants reaffirmed their commitment to negotiating an effective compliance instrument, and pledged to hold another high-level meeting in 1999 to review progress. Australia’s prospects for achieving its larger negotiating objectives, however, remain uncertain.

In addition to the challenge of ultimately securing NAM support, Australia and most other Western states remain at an impasse with the United States on the crucial issue of routine inspections. Although the gap recently has narrowed – with Australia now referring to ‘random visits’ rather than ‘routine inspections’, and Washington willing at least to consider voluntary ‘no cause’ visits and clarification visits – Washington still refuses to accede to Canberra’s demand for some type of mandatory ‘no-cause’ inspections (int.; Tucker 1998). Additionally, while Australia has bowed to US objections and abandoned its earlier insistence on developing lists to elaborate Article I, it is still insisting on far broader declarations and lower threshold quantities than the US is willing to consider (ints.).

Other Non-possession Responses

Although in many respects Australia’s approach to BWC enhancement has followed its basic CW script, it has not attempted to replicate its CW regional initiative. That said, it has actively tried to promote comprehensive regional adherence to the BWC, particularly in the aftermath of the 1990 Gulf Crisis. For example, in late 1990 Foreign Minister Evans wrote letters to the foreign ministers of regional states that had not yet signed and/or ratified the BWC, including Indonesia, Malaysia, Burma, and Brunei, urging them fully to accede. The initial effort was supplemented by raising the issue in diplomatic demarches, bilateral ministerial meetings, and finally a second round of ministerial letters to an expanded list of governments (Dauth off. 1992, 25 February; DFAT off. 1991, 15 February; Evans off. 1991, 27 March; Starr off. 1991, 21 January).58

Consequence-mitigation

Counterproliferation

Before the mid-1990s Australia did not have any research programs on BW defence. Moreover, other than those coincident with CW defence, Australian forces had no operational equipment or training to defend against BW (Ray tst. 1991). Indeed, DOD capabilities at the time were so limited that it could not furnish a single technical expert to advise DFAT prior to the 1991 BWC RevCon (Starr off. 1991, 22 August).

DTSO was authorised in the early 1990s to initiate limited research on defences against toxins, but this still did not involve biological agents (Brabin-
This charter was then expanded to cover BW in early 1995, albeit on a very modest scale (Punch tst. 1995). It does not appear that this program has involved the use of BW agents.

Australia has advocated positions that do not support the BW defence programs of the United States' and others. At the 1991 BWC RevCon, it unsuccessfully sought an interpretive declaration that Article I prohibited either modification of existing BW agents or development of new agents for defensive purposes (Australia off. 1991). In the mid-1990s, Australia refused to support US and British attempts to reverse or, failing that, delay a WHO decision recommending destruction of the last acknowledged samples of smallpox. Canberra rejected claims that these samples were needed for counterproliferation purposes. Instead, an Australian official recalls making an off-the-record telephone call to a sympathetic NSC staffer to argue the case for destruction ([DFAT] int.). Australia continued to argue against continuing delays, including most recently at a special WHO meeting in May 1999 (Washington Post 5/25/99).

Deterrence

The Australian stance on CW deterrence discussed above applies equally to BW.

SECTION 4: CASE STUDY – MISSILES

Relative Priority

The missile area has consistently been Australia's very lowest proliferation priority. Officials at different levels and from different time periods all attribute this to two factors. One is the absence of any emerging missile threats in Australia's immediate region. This was, and continues to be, seen as even more pronounced than in the CBW areas due to the complexity, expense, and sophisticated infrastructures required to produce ballistic missiles ([DFAT] ints.; [intelligence] int.).

However, several officials also point to the lack of a normative treaty, or any reasonable prospects of ever even attempting to negotiate one, as another significant factor in explaining why senior Australian officials have consistently accorded scant attention to the topic ([DFAT] ints.; Dorling int.).

The issue of missile proliferation virtually did not exist as a recognised issue during the 1980s. According to officials from that period, the sum total of DFA's interest or activity in this area amounted to monitoring reports about relevant activities by the United States and other G-7 states ([DFA] int.;

59 Toxins represent something of a grey area between BW and CW. Because they are not living organisms, they are not strictly speaking BW. At the same time, because they are produced by living organisms, they share many important characteristics, for example being able to produce militarily useable quantities from small stockpiles in short periods of time.

60 That said, Mack (1991, 1992) points out that the larger Asia-Pacific region, including South Asia and Northeast Asia, throughout this period has been second only to the Middle East as a site of missile proliferation, as well as a significant source of missile proliferation.

61 The only comprehensive academic survey of Australian nonproliferation and disarmament policies (Mathews & McCormick 1995) expressly omits missile nonproliferation on the grounds that, because the issue lacks a global treaty-norm, it is not on the same level of significance as the other nonproliferation areas. This explicit scholarly judgement appears to reflect accurately the implicit attitudes of Australian policymakers.
O'Sullivan int.). Even this bare level of interest seems to have been motivated in part by concerns that these policies could affect Australian access to relevant technologies, rather than by interest in missile nonproliferation as such (Walker off. 1987, 27 May).

The disarmament bureaucracy first began to focus on missile proliferation in the very late 1980s, when Australia was urged by the United States and others to adhere unilaterally to the MTCR, and then invited to join. This was bolstered by a brief, unwarranted scare during the same period that Indonesia might try to develop long-range missiles under the guise of a space launch program ([DFAT] int.). However, such attention remained confined to the working-level bureaucracy ([DFAT] int.).

Having opted to embrace missile nonproliferation, Australia did not want to see these efforts confined to nuclear-capable systems, reflecting its specific regional security concerns about CBW proliferation (DFAT off. n.d.c., 1990, 4 April). Even before joining Canberra put the MTCR on notice:

> Australia’s interest in the whole question of proliferation of missile technology is wider than nuclear armed missiles – it includes chemical and biological warheads. We therefore see the MTCR as covering the broader question of missile proliferation rather than only nuclear warhead missiles (DFAT off. 1990, 4 April: 1).

Again, joining the MTCR did not elevate the missile issue from its rank at the bottom of anti-proliferation priorities ([DFAT] int.).

The zenith of Australian interest in the missile area occurred when it assumed the rotating chair of the MTCR in 1993. This relative upsurge in attention appears to have been driven partly by the bureaucratic demands of fulfilling this role, and partly by the hope that its Chairmanship would afford opportunities to argue the case for negotiating a global missile norm. Even during this period of peak interest, however, missiles remained the lowest nonproliferation priority ([DFAT] ints.). This was reflected in both high-level disinterest and extremely limited resource allocation at the working-level. These factors severely limited the scope for bureaucratic initiative. For example, the official most closely involved with Australia’s chairmanship of the MTCR relates:

> I can well remember actually just feeling embarrassed in terms of the inability of Australia to take steps that I felt would be useful....Fulfilling the sort of fully effective diplomatic role of nonproliferation that we had in other areas, we just simply couldn’t do it ([DFAT] int.).

The magnitude of Australian disinterest in missile nonproliferation, even during this high-water mark period, is vividly illustrated by classified instructions to

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62 Numerous documents confirm this interview data through conspicuous omission. For example, a 700-page Parliamentary report on all aspects of disarmament, arms control and nonproliferation, failed to mention the issue even in passing (Parliament off. 1986). A DFA publication enumerating the full spectrum of Australian disarmament activities – while discussing issues as diverse as the Indian Ocean Zone of Peace, the Questionnaire on Reduction of Military Budgets, the Year of Peace, the World Disarmament Campaign education program, and the creation of a Peace Research Centre at the Australian National University – also failed even to mention missile proliferation (DFA off. 1987). As late as the end of 1988, an address by departing Disarmament Ambassador Richard Butler on Australian disarmament priorities, missile proliferation likewise is omitted entirely (Butler 1990).

63 This program never got beyond the embryonic stage, and quickly disappeared altogether. Therefore this strategic concern does not appear to have had time to take root in Australian thinking.
Australian diplomats in India, Pakistan and China, warning them not to follow up on missile proliferation issues that had been raised in recently concluded bilateral talks. Despite India and Pakistan being among the most active missile proliferators, and China a worrisome supplier to Pakistan and others, the embassies were instructed:

In your on-going exchanges on arms control/non-proliferation issues...we do not want you to place any particular emphasis on the MTCR, though as current Chair we felt bound to raise it on this occasion. As you will know, our priorities are more focused on the nuclear (NPT and proliferation) and CBW areas (DFAT off. 1993, 15 July: 1).

After Australia relinquished the MTCR Chair in 1994, interest in the missile area declined even further (int.). Within DFAT the issue was assigned on a less than half-time basis to a single desk officer in the conventional and nuclear disarmament section, whose primary responsibilities were nuclear disarmament and nonproliferation, while within other policy agencies no personnel were assigned to the issue specifically (Dorling int.). Following the collapse in mid-1995 of a Canadian initiative to test the waters on a global missile treaty, residual interest at senior levels fell away altogether, leaving the issue to settle comfortably among DFAT’s lowest disarmament priorities, and at the very bottom of its proliferation response agenda (Dorling int.; [DFAT] ints.).

Capability-Denial

National Export Controls

Australia did not institute any nonproliferation export controls on missile technology prior to joining the MTCR in 1990.\textsuperscript{64} At that time, it simply promulgated new regulations under the legislative authority of the Custom’s Act, requiring individual export licences for all items listed in the MTCR Annex, with decisions based on the MTCR Guidelines. There have been no preferential procedures for exports to other Regime members (DFAT off. 1993, 7 June). Although Australia has not been a significant exporter of relevant items, for example far less so than in the other proliferation areas, it is widely perceived to have a solid record of implementing the MTCR conscientiously.

Multilateral Export Control Regime: Missile Technology Control Regime

Australia has been extremely ambivalent about participating in the MTCR throughout its involvement, far more so than the other suppliers groups. According to officials involved at different times over the past decade, this discomfort has been based on the absence of relevant global norm, which is seen to call into doubt the legitimacy of the entire missile nonproliferation enterprise (Courtney int.; Dorling int., [DFAT] ints.). As a former official directly in charge of missile nonproliferation issues observes: ‘A global norm makes suppliers regimes less discriminatory clubs and more complementary, acceptable bodies’ (Courtney int.). A current official with similar responsibilities explains Australian reservations about the MTCR as follows:

\textsuperscript{64} Missiles \textit{per se} would have been captured by general controls on sensitive military items (Walker off. 1987, 27 May). However, since MTCR-class missiles are not produced in Australia, this would not have been relevant.
Its go an air of ad hoc-ery and almost Cold War-ishness about it which the others don't have....It began in a much more limited way than the Australia Group or NSG. Both of those...despite the attacks on their credibility and their right to exist, they can stand very firmly on long established international norms ([DFAT] int.).

The perceived flaw of having no legally enshrouded normative basis has been exacerbated by concerns about specific features of the MTCR, including: its overtly discriminatory ‘have, have not’ structure. This is illustrated by the following aspects: all of the AG members have renounced CBW through the BWC and CWC, and even before the CWC had renounced CW use and were at least in the process of addressing possession; its narrow Western-oriented membership; its explicit refusal to distinguish between civilian (i.e. SLV) and military technology; and (initially) its failure to cover CBW-related delivery systems (Courtney int.; Dorling int.; [DFAT] int.). Indeed, a former official speculates that these considerations would probably have posed more serious obstacles to Australian participation if top officials had ever bothered to pay more attention to the issue (Dorling int.).

Australia did not participate in, and indeed was unaware of, the protracted negotiations that led to the MTCR. Soon after the G-7 states publicly announced the new Regime, the United States and several other members bilaterally approached Canberra to urge it to adhere unilaterally. Despite such pressure, the Australian response was non-committal, saying that careful interagency study would be needed (DFAT off. n.d.c; Walker off. 1987, 27 May). More than two years later, when the issue was raised during ministerial talks in Washington, Foreign Minister Evans told Secretary of State Baker that Australia still had not made a formal decision about adhering unilaterally, but that it was favourably inclined (DFAT off. 1989, 6 November). Before any further action was taken though, the idea of unilateral adherence was overtaken by an implicit invitation to join the Regime.

DFAT has blocked release of documents pertaining to Australian deliberations immediately before and after it became a Regime member, either in whole or part (DFAT off. 1998, 7 October). It is therefore unclear whether Australia considered turning down the invitation to join the MTCR. Interviews certainly suggest that Canberra had serious qualms, and the very fact that this material has been denied for FOI declassification at least hints it may allude to reservations that would be inconsistent with Australia’s current status as a Regime member. Another issue that may still be regarded as sensitive was that Australia had an ulterior motive for joining the MTCR; namely, securing access to commercial SLV technology.65 As then First Assistant Secretary Kim Jones (int.) notes, while the desire for MTCR items was not the primary factor in Australia’s decision to join, it was certainly a relevant factor, and one that Australian space officials subsequently have overtly espoused (Farrow tst. 1995).

Canberra’s July 1990 public announcement that it would join the MTCR appears to have been intentionally designed to play down the significance of

65 In 1989 the United States had blocked an export license for a US firm to participate in an Australian project to build a commercial space-port at Cape York, Queensland, citing the MTCR’s prohibition on supporting space-launch capabilities in non-MTCR countries (Speier int.). The domestic importance of Cape York is revealed by the fact that Foreign Minister Evans was explicitly prepared to address this issue in announcing the Australian decision to join the MTCR (DFAT off. 1990, July).
the decision, characterising it merely as part Australia's larger nonproliferation involvement. Moreover, the final press release put out jointly by the foreign and defence ministers was markedly more understated than an early draft prepared by the disarmament staff, to the point that it was ambiguous about whether Australia was actually becoming a full-fledged member (DFAT off. 1990, 11 July, 20 July.) This down-playing theme is also apparent in Foreign Minister Evans' talking points to respond to questions from the press, which noted, 'Australia currently manufactures for export little that would be covered by the MTCR' (DFAT off. 1990, July).

Once it joined the Regime, Australia set about to address its various specific concerns about it (Courtney int.). Its first initiative was to promote expanding the Regime's objectives to cover CBW-related missiles. This was achieved in principle at its very first meeting in July 1990, thanks to a parallel US initiative. DFAT therefore tasked Defence scientists to come up with a specific technical proposal to operationalise this decision in time for a planned February 1991 technical meeting (DFAT off. 1990, 21 September). As a result of this work, Australia proposed adding the concept of range/payload trade-offs to the basic Category I definition, as well as specific methodologies for calculating such trade-offs. The intention of this proposal was in effect to lower the threshold to correspond to lower CBW payloads (DFAT off. 1991a; Pope, Irvine & Retallick off. 1994). Australia enthusiastically supported the eventual decision at the 1992 Oslo plenary that formally incorporated CBW delivery systems into the MTCR Guidelines (Evans off. 1993).

Australia also began a low-key effort to promote other reforms in the Regime's structure and policies, for example broadening membership and clarifying the Guidelines (DFAT off. 1990, 11 December; Evans off. 1991, 28 May; Jones off. 1991, 15 March). Australia in particular wanted clarification that the MTCR was not intended to impede civilian SLV programs generally, and in particular that the 'strong presumption of denial' on Category I items should be 'qualified' for the civilian programs of Regime members. An internal paper comments:

At the [March 1993] Canberra Plenary we argued that consistent with the intent of the MTCR Guidelines, transfers of controlled items for space launch programs should be allowed, particularly to Partners, on a case-by-case basis with a country's nonproliferation credentials an important determinate. This preserves the Australian Space Office interests in transfers of technology and equipment for Australian space launches. The US has in the past not accepted this interpretation (Starr off. 1993, 26 October: 3).

Although Australia was unable to get US support for this reform, it successfully lobbied the Bush administration bilaterally to drop its opposition to the Cape York space-port project now that Australia had joined the MTCR, which de facto had much the same affect by setting a precedent (Speier int.).

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66 The concept of range/payload trade-offs (i.e. inherent capability) was adopted, but Australia's specific methodology was rejected.
67 Australia also informally suggested possible measures to strengthen the MTCR to the United States, for example creating a permanent Secretariat to assist in coordinating implementation (DFAT off. 1990, 11 December). However, it does not appear to have itself pursued such initiatives within the Regime.
Australia pushed for consideration of further minor reforms prior to the November 1993 Interlaken plenary. At the same time, it reacted warily to the ambitious package of proposals brought forward by the new Clinton administration. For example, although it did not support automatic access to technology for members, Australia also opposed US efforts to add new restrictions on inter-partner trade that might impede its own access to SLV technology and Category I Tomahawk cruise missiles (Courtney int.; DFAT off. n.d.e; Dorling int.; Evans off. 1994, 7 February; Starr off. 1993, 26 October.) Australia also was wary of Washington's restrictive membership requirements, fearing that they would impede regional diversification (Courtney int.; Dorling int.; [DFAT] ints.; Starr off. 1993, 26 October). An internal document states: 'We think there is value in as many countries as possible joining the regime as a demonstration of their commitment to non-proliferation of missiles' (DFAT off. n.d.e: 7).

Even when Australia took firm positions, it did not play a leading role on any of these issues. Australia's involvement in the Regime's debates was markedly low profile, having consciously decided to avoid trying to play a prominent role. Since the mid-1990s, this already modest involvement has been scaled back even further, with Australia offering no significant national proposals for political, structural, or technical reforms over the past several years. Beginning in 1996 Australia also downgraded its level of representation at plenary meetings from an assistant secretary to a section head.

**Wider Export Control Norms**

In principle Australia has supported encouraging non-MTCR states to adhere unilaterally to MTCR standards. However, its position has been that this should be done on a national basis by individual members, according to their own strategies and interests, rather than for the Regime as such to push for this as the United States and some others would prefer (Courtney int.; [DFAT] int.).

For its part, Australia occasionally has encouraged governments to adhere to the MTCR during bilateral meetings, especially key Asian states like China and Singapore (DFAT off. 1991c, 1992, 2 December, 1993, 24 May; [DFAT] int.). However, interview data and documentary evidence suggest that Australia has limited this effort to a just a few key governments, and even then has tended not to highlight the issue (DFAT off. 1993, 15 July: 1). As one official sums up Australia's reservations about vigorously promoting wider MTCR adherence: 'It is not realistic or fair to expect states to adhere to regimes of which they are not members and which they have not been permitted/invited to join' (Courtney int.).

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68 However, key officials note that Australia has not had to play an active role in opposing US membership restrictions, because the Western Europeans have been extremely aggressive in voicing opposition due to their political interest in having Warsaw Pact states be allowed to join as a means of integrating them into Western security structures ([DFAT ints.).

69 Australia and Japan are formally responsible for maintaining liaison with non-member APEC states on behalf of the Regime.

70 In this regard, on the occasions when Australia has urged China unilaterally to adhere to the MTCR, it has always been careful to 'reiterate our national position...of supporting China's full membership in the Regime on the basis of its firm adherence to and full implementation of the Guidelines as revised' (DFAT off. 1993, 24 May, p. 3).
National Enforcement Mechanisms

Consistent with the other proliferation areas, Australia has shied away from raising concerns about missile-related transfers with other governments. This has sometimes necessitated resisting explicit US requests for Australia to undertake such efforts based on specific intelligence in order to reinforce its own interdiction efforts ([DFAT] int.).

On at least one occasion, probably in 1991, Australia does appear to have expressed concern at a high level in Beijing about press reports that China was planning to export complete MTCR-class missiles to Pakistan and the Middle East. This relatively uncharacteristic action was apparently the result of bilateral prompting from Japan, which explicitly asked Canberra as the only other Asia-Pacific member of the MTCR to reinforce its own bilateral protests (DFAT off. n.d.d). Australia has also expressed concern to Moscow about recent press reports concerning missile assistance to Iran, although without taking any position of the veracity of the allegations ([DFAT] int.). Such cases are exceptional, however, involving wide press coverage of flagrant violations of those countries' stated commitments.

Australia has no missile-related nonproliferation sanctions. It has also been especially wary of US missile sanctions, because they are tied directly to the MTCR, albeit unilaterally. Australia has taken a firm position that sanctions should not be associated with any of the export control regimes ([DFAT] int.; Starr off. 1993, 26 October). It therefore never even considered US calls to have the MTCR emulate its national sanctions, or for individual members to endorse them nationally. After the United States passed its sanctions law, Australia politely expressed displeasure bilaterally that Washington had instituted sanctions tied to the MTCR without obtaining the Regime's approval (Courtney int.; DFAT off. 1993, 11 December; [DFAT] int.).

Other Capability-denial Responses

As with CBW, there have been no apparent cases where Australia has used other denial measures against missile programs such as targeted denial, or sabotage or destruction.

Non-possession Norm-building

Global Missile Treaty Proposals

Australia has been at the forefront of efforts to explore the scope for a treaty-based global missile norm since becoming a member of the MTCR in 1990. Just months after joining the Regime, Canberra privately noted to Washington: 'In the longer term the constraint on proliferation of missile technology will require a broad approach....[including] verification (e.g. on-site inspections) for states who wish to conform with the objectives of the MTCR' (DFAT off. 1990, 11 December: 7).

While using such oblique references with others, Canberra had initiated internal deliberations to consider whether to push openly for a global treaty-norm to underpin the MTCR. The cognisant section director within DFAT recalls: 'I argued the case for a global norm strongly and that view prevailed.' At the same time she notes: 'We were aware, however, of the complexity and unlikelihood of getting far with it' (Courtney int.). Former Foreign Minister Evans
(int.) likewise recounts that he strongly supported exploring this issue, but did not make it a high priority because of the dim prospects for success.

Modest expectations notwithstanding, Australia decided cautiously to test the multilateral waters, beginning with its MTCR partners. In a carefully balanced speech to the March 1993 Canberra plenary meeting, Evans called for consideration of a treaty-norm to ban missiles to underpin the MTCR. While acknowledging the complexities that such a negotiation would entail, he noted that efforts to establish global norms were ‘centrally important’ in the battle against proliferation (Evans off. 1993). Canberra then followed up this initiative several months later with a statement to the entire UNGA. Although Disarmament Ambassador O’Sullivan had wanted explicitly to call for a global missile ban, he was instructed to make a less specific statement, urging ‘comprehensive international action on missiles’ (DFAT off. 1993, 15 October, p. 4). The tactical reason for this circumspection is explained afterwards in an internal paper, which noted that, although Australia had opted to promote a global missile ban, this ‘could only be realised in the long term and after complex negotiations (Starr off. 1993, 26 October).’

Canada took up the Australian call from the year before at the 1994 MTCR meeting, tabling a formal proposal for the Regime to endorse negotiations for a global ban on medium-range missiles; essentially a proposal to globalise the INF treaty (Canada off. 1994; Sinclair off. 1995). In response Foreign Minister Evans formally approved pursuing negotiations on a global missile treaty. However, Australia had objections to the Canadian formula. Specifically, because the proposal was limited to medium-range systems, it excluded ICBMs, and therefore would codify a de facto discriminatory ‘have, have not’ status quo. Recognising that a more comprehensive ban on possession stood no chance of even being considered by the United States and other ‘haves’, Canberra opted to champion a ballistic missile test ban treaty, along the lines of the CTBT rather than the CWC, BWC and NPT. DFAT concluded that this approach would: effectively establish an anti-missile norm; impede missile development (particularly for rudimentary programs); not impinge on dual-use transfers for civilian space programs; allow for verification mechanisms; make use less likely by undermining confidence in the effectiveness of existing systems; and, achieve all of this in a utterly non-discriminatory manner (Cousins off. 1994, 15 December; Dorling int.).

Rather than tabling a counter-proposal, Australia privately raised the idea of a missile test ban treaty with Washington. However, in a series of bilateral discussions, the United States categorically rejected any proposal along these lines (Dorling int.). Faced with this implacable opposition, Canberra pragmatically retreated to a less ambitious alternative. At the January 1995 MTCR intersessional meeting, although Australia vigorously defended the Canadian initiative against scathing US criticism, it suggested that a better approach might be to consider a global missile/SLV launch pre-notification

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71 In an article published just a few months later, after departing his post as Disarmament Ambassador, O’Sullivan (1994) called for some type of missile treaty to be negotiated in the CD in Geneva.

72 Except that the Canadian proposal lowered the 500km INF range floor to the 300km MTCR Category I range parameter.

73 DFAT denied release of the instruction and reporting cables for these meetings in their entirety on the grounds that it could damage Australian foreign policy interests (DFAT off. 1998, 7 October).
agreement, noting that this mirrored a 1993 French proposal in the CD (Australia off. 1995).74

Australia’s intention had been to send a team afterwards to Washington in order to lay the groundwork to secure US support for this alternative as an acceptable compromise. The plan was to feel out divisions within the interagency, assess how far the United States might be willing to go, and then tailor a formal proposal that Washington would at least consider. But at precisely this juncture, France announced that it would resume nuclear testing in the South Pacific, sparking a major, protracted crisis for the Australian disarmament bureaucracy. As a result of this distraction, DFAT was unable to lobby Washington prior to the special August meeting to consider the Canadian proposal (Dorling int.). Although Australia continued to promote its idea in MTCR channels, convinced Canada to add consideration of a launch notification agreement to the agenda, and then tabled a detailed proposal at the meeting itself, the proposal did not receive any serious consideration (Australia off. 1995; DFAT off. 1995, 7 April; Dorling int.; Sinclair off. 1995).

Australia remained interested in promoting some type of global missile treaty after this setback. However, given the shrill opposition engendered by the Canadian proposal, and the disinclination to consider even the extremely modest Australian alternative, a political decision was made afterwards to abandon any active efforts until and unless the international climate improves ([DFAT] int.). That said, in June 1998 the opposition Labor Party’s ‘shadow’ Foreign Minister gave a Parliamentary speech urging the government to reinvigorate its efforts to promote a multilateral missile treaty, asserting that the South Asian nuclear crisis lent new urgency to this issue (Brereton tst. 1998). In the federal election later that year, Labor’s foreign policy platform included only three disarmament and nonproliferation initiatives, one of which was to pursue a multilateral treaty to constrain ballistic missiles (Australian Labor Party off. 1998).

Other Non-possession Responses

Despite its support for a global missile-norm, Canberra has opposed the US strategy of promoting a targeted, de facto non-possession norm by requiring new MTCR members to forgo MTCR-class missiles. Australian objections are based on two considerations. Firstly, that this unilateral US requirement has hampered non-Western states joining, particularly Asian countries like South Korea. More importantly, Australia has been uncomfortable with the discriminatory character of this requirement (Courtney int.; Dorling int.; [DFAT] int.).

Anticipating the dim prospects for negotiating a global missile norm, DFAT was entertaining the idea of a fall-back regional arrangement even as it pressed ahead to explore the scope for a global ban (Starr off. 1993, 26 October). Specifically, it considered a ‘Regional Missile Free Zone’ treaty, or if that proved infeasible, a less ambitious ‘Regional Register of Missile Free Countries’ (DFAT off. n.d.e).

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74 In additional to special intersessional meetings, the Government of France hosts a monthly ‘Point of Contact’ meeting attended by diplomats from Paris embassies. This process serves in the absence of a regular secretariat to enable partners to exchange material and take decisions intersessionally.
After the collapse of any real prospects for global negotiations, Canberra began to consider more seriously whether to promote some type of regional missile ban, possibly through the existing ARF process. However, the Defence Department weighed in against the idea at senior levels, arguing that it would foreclose its missile acquisition options.\(^{75}\) As a result of this continuing interagency disagreement, a final decision on whether to pursue a regional alternative has yet to be reached ([DFAT] ints.).

**Consequence-mitigation**

*Counterproliferation*\(^{76}\)

Australia opposed the US SDI program in the 1980s, arguing that verifiable arms control agreements represented the best means to prevent war and to ensure international stability (Evans tst. 1987). However, when the United States began to reorient its missile defence efforts from strategic defence to counterproliferation after the Gulf War, Australia dropped its unconditional opposition. In 1992 the Australian Defence Department quietly began to consult regularly with SDIO in order to monitor developments and explore the scope for cooperation (Sydney Morning Herald 5/19/95). The 1994 Defence White Paper noted that the growing threat of missile proliferation raised the potential for cooperation with the United States on missile defences.

In April 1995 Australia agreed to a high-level US request to cooperate in this area. However, Australia specified in writing that this cooperation would be modest, that it would be consistent with its opposition to any activity that would violate the US–Russian ABM treaty, and that it would be based on its own national needs and priorities. Examples specified included the exchange of a single scientist, and conducting joint space tracking of civilian NASA launches for purposes of missile defence research, with total costs anticipated at under A$500 thousand. In explaining this policy to Parliament, the Keating government noted that its motive was not to acquire missile defence capabilities for Australia, but rather to demonstrate that Australia was a cooperative ally, as well as to attain spin-off technology for conventional military applications (Ray tst. 1995).

The Howard government recently expanded this cooperation on a limited basis, agreeing to establish a test range in remote Western Australia for a series of four US test-launches over water so that BMDO could assess its ability to detect distant launches during the launch phase. Again though, in announcing this initiative the government stressed that it was not acting out of any particular interest in missile defence, but to demonstrate alliance cooperation (McLachlan off. 1997, 8 August).

**SECTION 5: SUMMARY FINDINGS**

The Australian response to proliferation has consistently accorded unambiguous primacy to the non-possession norm-building approach. Canberra has favoured using a full spectrum of non-possession tools, including

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\(^{75}\) It is unclear why DOD did not likewise oppose a global treaty, which presumably would have the same result.

\(^{76}\) As noted in the previous chapter, there is no discussion of deterrence in this section because deterrence does not apply to missiles directly, but rather to the weapons that they deliver.
global and regional instruments. It has expended tremendous multilateral and bilateral energy to contribute to negotiating, strengthening, and effectively implementing a web or normative treaties. This has been the case over time and across the different proliferation areas, although at any given time it has tended to devote the most attention to areas where multilateral progress appeared most promising.

In contrast, Canberra has been consistently ambivalent about supply-side regimes, and generally has refrained from embracing additional capability-denial instruments beyond the least common denominator commitments of the multilateral suppliers regimes. Canberra has shown little or no inclination to take enforcement action against other governments, even in concert with its anti-proliferation partners. Moreover, even this modest level of support to some extent has been based on ulterior motives – wider prestige and influence in the case of the AG, and access to technology in the case of the MTCR. At the same time, unlike some Western governments, it has been consistently diligent in policing its own exports to ensure that Australian firms do not contribute to proliferation directly. Australia has also eschewed all but the most humble national consequence-mitigation efforts, as well as generally declining to cooperate with US-led efforts. In virtually every case where trade-offs have existed between norm-building and capability-denial and/or consequence-mitigation, Australia has opted to support the former.

Whereas the previous chapter notes consistent patterns in US behaviour, despite variations over time and across areas, Australia’s consistency has been far more pronounced. Indeed, it has used what almost amounts to a single, unchanging script. Although it has often been forced to compromise in order to achieve results, its preferred outcomes have always remained constant. Moreover, there have been no meaningful internal bureaucratic or political divisions regarding these preferences.

In summary, Australia has strongly favoured the norm-building approach across the board, with sometimes reluctant support for capability-denial as a supplementary approach, and little or no support for consequence-mitigation strategies.
CHAPTER 6
COMPARATIVE FINDINGS AND ANALYSIS

This concluding chapter seeks to compare the findings from the two sets of case studies, explore possible explanations for the major comparative finding discerned and suggest areas for complementary research. The study concludes by briefly considering the public-policy implications of its comparative findings.

COMPARATIVE FINDINGS

Comparison of the preceding case studies unveils considerable discord between the United States and Australia on numerous specific policy issues across proliferation areas and over a period of nearly two decades. Indeed, instances where the two governments have agreed, for example on the need to expand the scope of controls in the early years of the AG, have been relatively few, short-lived, and far between. Ironically, the most notable case where they ostensibly saw eye to eye for an extended period on a major policy issue, was during the 1980s regarding 'anytime, anywhere' CWC verification, and this was based on such contrary motivations and intentions that it can be fairly characterised as the exception that proves the rule.

This discordant record has not been lost on either government. Interviews attest that past and present officials on both sides are widely aware that they have tended to disagree oftener than agree on specific policy questions. For example, a mid-level Bush administration official notes:

There are a lot of important differences below the macro level objectives between Australia and the United States. In fact it doesn't take long for that to break down below the macro in terms of beginning to see the differences...There is a definite difference of opinion in terms of how you implement achieving those objectives (Inglee int.).

Awareness of these differences seems to be perceived most acutely by working- and mid-level officials, who have been immersed in the details of policy. But former Australian Foreign Minister Gareth Evans (int.) notes that even at high levels, differences have been readily apparent, and that these differences have gone well beyond trivial contrasts in diplomatic style. Awareness of national differences is particularly strong on issues pertaining to individual treaty-norms.

The organisation of the case studies into two embedded sets, based on a common conceptual framework, reveals that these many instances of divergence fall into an unmistakable pattern of opposing national preferences towards the three major approaches to proliferation response. The United States has accorded primacy to the complementary approaches of capability-denial and consequence-mitigation, while treating norm-building as a subordinate approach. Australia has put norm-building above all else, treating capability denial as subordinate, and largely eschewing consequence-mitigation altogether. This preference pattern is discernible for each actor across proliferation areas and over time. There has not been a single major case of deviation that contradicts this primary empirical finding.
An opinion survey of officials conducted in conjuncture with research interviews shows that the national divergence revealed in the case studies is mirrored in corresponding differences in the underlying personal attitudes of officials. (See Appendix 3 for full description, analysis, and data tables.) These include: pronounced bias towards capability-denial versus non-possession norm-building (see Figure 4); perceptions of one another's national approach (see Figures 5-6); and, optimism about the past and future effectiveness of nonproliferation generally (see Figures 7-8). Survey responses also suggest that there is considerable frustration and bafflement on each side regarding the other's perspectives. These survey results reinforce the major empirical finding that there has been a consistent, persistent, and pervasive divergence in US and Australian proliferation response preferences.

Figure 4: Survey Question 2 - Preferred Approach

*Hypothetically, if you had to choose, which of the following would you consider to be more important in promoting your country's anti-proliferation goals:*

- **Option 1)** Building and maintaining strong multilateral treaty-norms against the possession of these weapons; or
- **Option 2)** Preventing specific transfers of these weapons and associated equipment and technology to programs or countries of concern?

**US Officials**

- Option 1: 8%
- Option 2: 59%

**Australian Officials**

- Option 1: 26%
- Option 2: 11%
- Don't Know: 63%
Figure 5: Survey Question 3a – Perceptions of US Approach (Top 9)

Figure 6: Survey Question 3b - Perceptions of Australian Approach (Top 9)
Figure 7: Survey Question 4a - Perceptions of Past Effectiveness

Do you believe that efforts by Western states to prevent proliferation over the past 10-15 years have been effective?

**US Officials**

- Yes: 42%
- No, somewhat: 11%
- Don't know: 17%
- Different between areas: 26%

**Australian Officials**

- Yes: 53%
- Yes, somewhat: 5%
- No, somewhat: 11%
- Don't know: 5%
- Different between areas: 26%
Figure 8: Survey Question 4b - Perceptions of Future Effectiveness

Do you believe that efforts by Western states to prevent proliferation over the coming 10-15 years will be effective?

US Officials

- Yes: 47%
- No, somewhat: 31%
- Different between areas: 11%
- Don’t know: 4%

Australian Officials

- Yes: 21%
- Yes, somewhat: 11%
- No: 31%
- Different between areas: 11%
It should be noted that, beyond the primary divergence detected, the empirical case studies also reveal a number of interesting secondary findings. For example, US policies have displayed greater inconsistency, both over time and across the different proliferation areas. Although not central to the analytical objectives of the current study, such subsidiary findings may be useful for future research on the overall foreign policy behaviour of these actors.

CAUSAL ANALYSIS

Analytical Objectives

Having empirically detected a significant and consistent divergence in how these two so-called like-minded actors have responded to proliferation, it remains to explain this primary finding. The remainder of this section seeks to utilise the existing conceptual tools offered by the foreign policy analysis (FPA) and cognate theoretical IR literatures in order to help explain the principal finding of the preceding chapters.

The analytical objectives of the study are grounded in the well established injunction that it is necessary to apply 'multicausal models' in seeking to explain any aspect of foreign policy behaviour (Charles Hermann 1978b). As Rosenau notes: 'Foreign policy springs from a multiplicity of sources, and the analytic challenge is to discern the effects of the various sources on the plans and courses of action that officials follow' (1976: 19). Kegley and Wittkopf further state:

Whether one is attempting to explain a single foreign policy event or a whole sequence of related behaviors, no single source category fully determines outputs. Rather, the source categories are interrelated and collectively determine foreign policy decisions (14). Foreign policy actions almost invariably result from multiple sources; therefore we are well advised – if we are to avoid oversimplification and capture the complexity of reality – to think in terms of multiple causes (1991: 17).

The dominant analytic template in FPA – emerging from decades of descriptive case studies – is that foreign policy decision making is a multidimensional rather than unitary process, and that therefore applying a loosely connected set of sub-theories affords the best analytical means to comprehend any specific pattern of foreign policy behaviour (Steiner 1983).

Consistent with this paradigm, the structure of the present analysis draws heavily on an environmental conception of FPA (Papadakis & Starr 1987). A salient feature of this model is that it synthesises multiple FPA perspectives. It therefore takes into account a number of simultaneous structural (e.g. international system, international relations) and agent-specific (e.g. societal, governmental, individual) influences on foreign policy behaviour. This broad

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1 Note that in this way FPA, with its actor-centric analysis, contrasts sharply with IR theory's typical 'black box' approach to analysis. This imagines individual states as billiard balls whose behaviour is controlled by external variables, and which sets as its objective isolating the systemic factor that explains a particular action or set of actions.

2 The authors explicitly cite the Sprout's 'milieu', Rosenau's 'pre-theories', Singer's 'levels of analysis', and Starr's own 'opportunity and willingness' perspectives.
FPA framework is further enriched in the present analysis by incorporating cognate aspects of wider IR theory, for example the literature on the causal relationship between national attributes (size, power) and foreign policy preferences. This integrated frame of reference yields a number of potentially relevant explanations of why the United States and Australia have diverged in their national responses to proliferation (see Figure 9).

Figure 9: Possible Explanations for Divergence

<table>
<thead>
<tr>
<th>Structural</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>National Attributes</strong></td>
</tr>
<tr>
<td>super/major-power versus small/middle-power methods/leverage, interests</td>
</tr>
<tr>
<td><strong>Geopolitics</strong></td>
</tr>
<tr>
<td>different perception of proliferation threats due to variance in geography, alliance commitments, deployment/vulnerability of forces, etc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agent-specific</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Competing Sub-national Interests</strong></td>
</tr>
<tr>
<td>different levels of competing interests (e.g. economic)</td>
</tr>
<tr>
<td><strong>Worldview</strong></td>
</tr>
<tr>
<td>different perceptions of international system/relations</td>
</tr>
<tr>
<td><strong>Governmental/Bureaucratic Structures</strong></td>
</tr>
<tr>
<td>Different governmental systems, bureaucratic structures/processes</td>
</tr>
<tr>
<td><strong>National Identity/Political-strategic Culture</strong></td>
</tr>
<tr>
<td><strong>Domestic Politics</strong></td>
</tr>
<tr>
<td><strong>Idiosyncratic Leadership</strong></td>
</tr>
</tbody>
</table>

The aim of this explicitly multicausal model obviously is not to isolate a single one of these variables as the sole explanation for the finding in question. Rather, it is to assess their proportionate importance, with the expectation that the answer lies in a combination of factors, some more important than others. Note that such a result – simultaneously embracing structural and agent-specific causality – inherently cuts across what many have seen as opposing theoretical perspectives. As one scholar observes:

International relations theorising has long been divided between those who see position in the international system as the dominant factor in state behaviour, and those who believe that domestic sources are more important determinants of foreign policies (Ravenhill 1998: 324).

For example, whereas structural explanations correspond to Waltz's (1959) neo-realist 'third image' of state behaviour, or Allison's (1971) 'rational actor' model of foreign policy decision making, agent-specific explanations tend to
undercut these paradigms. Needless to say, this would pose a serious problem if theory-testing were the main analytical objective of the present study. Again though, consistent with the basic tenets of FPA, the aim here is not to use the empirical findings to ‘test’ (i.e. propound or refute) a given theory, but rather to enlist existing theoretical tools to illuminate the empirical findings, and in so doing also lay a basis for future theory building.

**Possible Explanations**

*National Attributes*

At first glance, the most intuitively evident explanation for this or any other foreign policy differences between the United States and Australia would seem to be the dramatic difference in their national attributes. They certainly are very different in terms of size and power within the international system. But it is uncertain just how important this factor is in explaining divergent anti-proliferation preferences. The theoretical predictions that can be derived from national attributes do not appear to go very far in explaining this difference.

The notion of American exceptionalism seemingly offers a logical explanation for any divergence. This concept holds that for a variety of reasons, some having to do with national attributes, for example its current status as the world’s lone superpower, the United States is different from other states. Accordingly, US behaviour on any issue can be expected to diverge from that of other states. However, this idea has not been well developed as theory, and certainly has never been convincingly demonstrated through rigorous empirical testing. Moreover, it is usually propounded in the context of comparative politics rather than international relations. Therefore assumptions about foreign policy exceptionalism are merely extrapolated from differences in its culture, political system, etc. Kegley and Wittkopf summarise this reasoning with the formula: ‘American foreign policy may be uniquely different from the policies of other states because the United States itself is different’ (1991: 249). Needless to say, while perhaps true, such an underdeveloped, untested hypothesis carries little presumption of credibility.

It is impossible to assess the explanatory relevance of this concept for the present two-actor comparison without additional empirical research. In order reasonably to consider this as a convincing explanation, it would be necessary at a minimum to demonstrate that Washington has been unique in its preferences. Anecdotal evidence from the case studies is indeterminate, offering numerous cases in which other Western states were arrayed together against US preferences, but also cases where Australian preferences were at variance with the positions of other Western states. Moreover, the latter cases have involved instances in which other states were leaning further towards the

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3 These are merely the most obvious examples. The same could also be said for the dominant contemporary paradigms of neo-realism and neo-liberalism, which although competing in their perspectives on the nature of the international system, both subscribe to the realist orthodoxy that it represents the primary determinant of foreign policy behaviour (Jim George 1997).

4 Most of the reasons suggesting American exceptionalism in fact are not based on its size/power, but instead focus on agent-specific factors such as system of government, national identity, etc.

5 If it ever were, then much of IR theorising, as well as comparative FPA, would to a great extent be marginalised by the field of American studies. The implications moreover would likely extend further, since it would then be logical to assume that other actors might also be exceptional. China offers a case in point, as the only emerging superpower, which also has a unique, hybrid Communist-capitalist system.
capability-denial or consequence-mitigation approaches than Canberra (e.g. British opposition to destroying smallpox samples), or further away (e.g. widespread initial resistance to establishing the AG). This suggests that there may be a spectrum of Western preferences among the approaches. To the extent that this is true, American exceptionalism can not explain this wider variation. But this represents mere speculation based on insufficient evidence. Further complementary research is needed in order to determine whether such variation exists, and if so where US and Australia preferences fall along such a spectrum.\(^6\)

On the Australian side of the equation, the modest literature on small state/middle power behaviour offers an alternative explanatory tool that is also based on national attributes. This theory suggests that, regardless of whether US behaviour is exceptional, the behaviour of a middle power such as Australia will diverge from that of a major power in predictable ways. However, this body of theory represents an extremely limited theoretical tool generally, and even more so in explaining the present case.

Generally, the national attributes literature is divided on whether ‘smallness’ affects merely the available quantity of the same means (e.g. diplomatic leverage, military power) with which to pursue the same types of national interests (e.g. prosperity, security), which is the traditional perspective, or whether additionally it influences the very nature of such interests (Thakur 1991; Papadakis & Starr 1987). Both perspectives accept that ‘smallness’ causes different behaviour. But traditional theorists such as Fox (1977), Handel (1981), Holbraad (1984), Rothstein (1968), and Vital (1967) tend to see this difference in terms of tactical accommodations necessitated by comparatively limited resources. This perspective therefore concentrates on the style rather than the content of middle-power statecraft. A more recent, ambitious school accepts these differences, but seeks to go further, suggesting that small/middle powers have manifestly different goals, for example the desire actively to behave as ‘good international citizens’ (Cooper 1997; Cooper, Higgott & Nossal 1993; Hocking 1997; Nossal 1993; Papadakis & Starr 1987; Wood 1988).

The established body of middle-power theory, to which both schools subscribe, is able to provide only a few predictions. The most empirically validated of these is that such states prefer to work (either as leaders or joiners) through multilateral institutions or ad-hoc coalitions of like-minded states, rather than pursuing interests on their own. This is seen as particularly true for global issues (Cooper, Higgott & Nossal 1993; Fox 1977; Jensen 1987; Keating 1993; Nossal 1993; Papadakis & Starr 1987; Thakur 1991; Wood 1988). Following from this, they are also thought likely to be inclined to support multilateral institution- and norm-building generally, in order to maximalise such opportunities (Cooper, Higgott & Nossal 1993; Nossal 1993; Thakur 1991). In doing so, they are thought to favour an activist approach, stressing entrepreneurial flair and technical competence, in order to compensate for their relative lack of other sources of leverage (Cooper, Higgott & Nossal 1993; Nossal 1993). At the same time, facing relatively constrained resources, they

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\(^6\) It should be noted that data from one of the few existing comparative studies on national proliferation response (Center for Counterproliferation Research n.d.) suggests that several NATO states may lean towards the Australian approach and away from the US approach as defined and observed in the present study. However, the differences in focus, scope, and methodology between this and the present study make any attempt to compare findings problematic.
are also considered likely to concentrate on ‘niches’ rather than trying to take on everything at once, again especially regarding global issues. These niches are chosen based on both national interests and the likelihood of being able to play an effective role in a particular process (Cooper 1997; Hocking 1997; Leaver 1997a; Porter 1996/97). For a variety of reasons they are also thought more likely to embrace compromise positions, and to facilitate others doing likewise (Cooper, Higgott & Nossal 1993; Fox 1977; Lyons 1995). Fox (1977).7 All of these predictions in essence relate to tactics by which middle powers can maximise their leverage.

These tactical predictions help to explain some of the secondary comparative findings revealed by the case studies. Indeed, the style of Australian diplomacy has rather consistently displayed characteristic middle-power methods. For example, Cooper, Higgott and Nossal (1993) note that Australia’s role in the CWC negotiations typifies classic middle-power tactics. The enterprise involved multilateral institution- and norm-building. It featured opportunistic activism, using entrepreneurialism and technical expertise, as well as mediating compromises. Niche tactics also explain differences in the relative priority accorded to the different areas, with the Australian agenda being far more process-driven.

However, middle-power tactics do not plausibly explain the consistent divergence in US and Australian preferences between anti-proliferation approaches. This is especially the case for differences regarding the two approaches to prevention: capability-denial versus non-possession norm-building.8 Middle-power tactics could apply equally to either capability-denial or non-possession norm-building. For example, the creation of the AG equally represents a classic example of Australia using middle-power tactics on behalf of capability-denial. Indeed, participation in supplier regimes, in which all members participate as sovereign equals, is perfectly consistent with middle-power methods. The fact is that denial strategies of various types offer ample scope for multilateral institution- and norm-building and coalition action, which overall Australia opted to pursue less vigorously than it could have. Even in terms of unilateral and bilateral national enforcement actions (e.g. interdiction, sanctions), Australia has explicitly and consistently refused to act in unison with a coalition of supply-side partners. At the same time, Canberra frequently has

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7 These include being in a position to act as bridges between major-power allies and smaller states, greater insight into the domestic constraints faced by major-powers, the practicalities of assembling or joining broad coalitions of the willing, etc. At the same time, Fox (1977) notes that this willingness to compromise occurs in the context of a willingness initially to propose risky initiatives, knowing that the major powers would insist on changing anything harmful.

8 It is unclear whether middle-power considerations are relevant regarding consequence-mitigation. Jensen (1987) asserts that middle powers tend to confine themselves to diplomatic rather than economic and military instruments in pursuing their foreign policy interests. This would appear to suggest a plausible explanation for Australia’s disinclination to embrace consequence-mitigation strategies. However, Jensen’s claim is not widely embraced within the middle-power literature. Moreover, Thakur (1991) notes that middle powers face fewer constraints in diplomacy than in the military or economic arenas. This suggests that any preference for diplomatic instruments may simply reflect available leverage. If so, then this would not explain negative attitudes towards benefiting from US deterrence, or cooperating with other Western states on counterproliferation. Other middle powers such as Canada have been willing to cooperate on counterproliferation via NATO. Also, Australia is far from a pacifist power, having been willing to use or support others’ use of military force in support of other interests. Moreover, any disinclination to use military force would appear less relevant for consequence-mitigation strategies than for other uses, since neither deterrence nor counterproliferation involve the use of force, but merely the capability to do so in response to a WMD attack. Finally, Australia’s actual objections to consequence-mitigation centre on its incompatibility with non-possession norms, which is a different issue.
been willing to employ aggressive bilateral means in furtherance of non-possession norm-building interests, especially within its own region.\(^9\) Australia likewise has frequently instituted unilateral, punitive sanctions on behalf of other issues like human rights (Nossal 1994). In other words, Australia has not availed itself of available opportunities to use middle-power methods in furtherance of capability-denial, while at the same time it has been willing to depart from these methods in furtherance of treaty-norms.

Given this failure of middle-power tactics satisfactorily to explain the divergence, we would have to turn to the more ambitious school of middle-power theory, which asserts that national attributes can explain not only the manner in which middle powers pursue their interests, but also the type of interest that they are likely to have. Unfortunately, it is precisely in this ambitious attempt to predict interests (vice tactics) that the fundamental soundness of the theory becomes highly dubious.

Thakur argues convincingly that similarity in attributes cannot provide even weak universalisable predictions about foreign policy preferences. ‘Instead, it is specific to the actor, context, issue, region, and time’ (1991: 279). He continues:

> This is not to say that size can serve no explanatory purpose at all...But the importance of size as an isolated factor should not be exaggerated: small countries are a heterogeneous group which do not have uniform behavioral characteristics and cannot be expected to respond the same way to similar stimuli (282).

So while Australia, Argentina, Belgium, Indonesia, South Africa, and South Korea may all by some measures be roughly comparable in terms of their attributes, and indeed may evince certain tactical similarities compared to major powers in pursuing their separate interests (i.e. the traditional ‘smallness’ prediction), it is difficult to discern that such similitude has extended to those interests per se.\(^10\) Ravenhill notes: ‘Intra-category variation...[is] likely to vitiate the utility of the category for making predictions about the states' likely foreign policy behaviours’ (1998: 310). Thakur concludes specifically regarding Australia:

> While the size of a state can be used to describe an actor in international relations as small, the concept of the small state lacks explanatory content and theoretical utility: analysis of Australian...foreign policies as small state behaviour will confuse more than clarify (241).

This general explanatory weakness is especially pronounced when it comes to security issues such as proliferation response. The proponents of ambitious middle-power theory such as Cooper, Higgott and Nossal (1991) readily

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\(^9\) This highlights a problematic nuance of middle-power theory. As Thakur (1991) points out, whereas Australia is a medium power globally, it is a major power regionally. The implication is that even regarding global issues such as proliferation, Australia may employ non-middle power tactics in its regional dealings.

\(^10\) This illustrative list is not intended as a definitive grouping of comparable middle powers. In fact, the question of how to define and quantify the attributes that should be used to group countries (e.g. geographic size, population, economic capabilities, military strength) remains an active subject of debate in the middle-power literature (Holbraad 1984; Thakur 1991). Ergo, the actors listed above are merely characteristic examples of a rudimentary definition of middle powers as actors that have less influence than major powers and more influence than weak/small powers.
acknowledge that commonality in middle-power behaviour is most evident regarding elements of the economic and social agendas of international relations, rather than elements of the security agenda.\textsuperscript{11}

Proponents of expansive middle-power theory have sought to get around the problem of intra-category divergences by narrowing their focus to what Cooper (1997) terms 'self-identified middle powers', citing as examples Australia, Canada, Sweden, and Norway. This seems a promising avenue, since it yields predictions that correspond with Australia's anti-proliferation preferences. Specifically, these 'self-identified' middle-powers are said to have an unusually strong common interest in altruistic 'good international citizenship'. This interest is reflected in activism on global causes that reflect the interests of the international community as a whole rather than parochial national or block interests, and which emphasise cooperation rather than coercion as the basis for world politics (Cooper 1997; Cooper, Higgott & Nossal 1993; Evans & Grant 1991; Nossal 1993).

The problem with narrowing the focus to this type of artificially delineated sub-set of middle powers is that, because the refinement is based on self-selection, it removes national attributes from the predictive equation.\textsuperscript{12} As Ravenhill (1998) observes, this boils down to defining middle-powers not by quantitative factors (e.g. size, military power), but by how they behave. It is therefore at best a descriptive rather than a predictive grouping, based on shared inclinations more than common attributes.\textsuperscript{13} Therefore, while these states may well have common interests (e.g. promoting international cooperation), this could be explained by other underlying common factors. For example, the fact that these states are located in conspicuously safe and stable regions suggests that geopolitical commonality could be a factor. Alternatively, they are all members of what Findlay (1991b) describes as the 'left wing' of the Western group of countries, suggesting that another explanation might be similarities in either worldview/ideology or national identity/political-strategic culture.\textsuperscript{14} Ravenhill suggests as much when he notes that, following the election of a conservative government in the mid-1990s, Australia's enthusiasm for the predicted types of middle-power activism has fallen.

\begin{itemize}
\item \textsuperscript{11} Inexplicably, the authors in passing note that nuclear disarmament and nonproliferation represents an exception to this rule, without explaining why this should be, or why it should not apply to other areas of disarmament and nonproliferation.
\item \textsuperscript{12} In fairness, much of this literature is overtly prescriptive rather than descriptive or predictive. This is quite understandable when one considers that the field is dominated by Australian and Canadian scholars. Nossal (1994) offers a striking example of this, arguing not that middle powers do not (descriptive) or will not (predictive) use punitive unilateral sanctions, but rather that in doing so they are misguided because such instruments do not follow the logic of middle-power diplomacy. Dibb (1996) illustrates that such prescriptions, based on the guiding tenets of middle-power theory, can apply to defence as well as foreign policy.
\item \textsuperscript{13} By way of illustration, imagine a bar in which, among the crowd, there are a number of people with red hair, who have various types of drinks among them. If one then were to dub a sub-group of those drinking beer as 'self-identified redheads', one could of course accurately describe this category of redheads as liking beer, and furthermore predict with some confidence that any one of them would be more likely order beer than wine or spirits. However, this would in no way demonstrate a causal link between hair colour and a preference for beer. Indeed, one assumes that whatever explains this group's preference for beer, they share it more with the blonds and brunettes drinking beer than with the other redheads drinking wine or spirits.
\item \textsuperscript{14} Findlay includes the following countries in this category: Australia, Austria, Canada, Denmark, Findland, Norway, Netherlands, New Zealand and Sweden. He also identifies Japan as a sometime fellow-traveller.
\end{itemize}
Another structural explanation for the divergence between US and Australian responses to proliferation is geopolitical disparity. This can be thought of as the flip-side of national attributes theory, in that whereas national attributes predictions are based on the relative distribution of power (e.g. economic and military capabilities) within the international system, geopolitical predictions are based on the relative distribution of threats (e.g. proximity, intentions) within the international system (Thakur 1991; Walt 1987). Although less intuitively apparent than balance of power theory, balance of threats theory in fact proves to be a far more persuasive explanatory factor in the present case.

Theorists generally recognise that ‘one of the most important influences on a state’s foreign policy behavior is its location and physical terrain’ (Kegley & Wittkopf 1991: 41). But as two continental, geographically remote states, it would not necessarily appear that the Australia and the United States are sharply differentiated in this regard. After all, neither is threatened by WMD within their region, leaving WMD-armed ICBMs as the only plausible military threats to their homelands. And whereas the proliferation of WMD and long-range missiles could potentially expand this threat, China and Russia currently remain the only potentially hostile states with such capabilities. However, using a more dynamic conception of balance of threats, as the contemporary literature on critical geopolitics suggests – taking into account all manner of threats and relationships – significant differences separate these actors generally (Dalby 1996). More to the point, the empirical case studies manifestly reveal that such broadly conceived geopolitical divergence has been consistently apparent regarding proliferation threats.

During the early to mid-1980s, geopolitical differences led the United States to focus on the Soviet threat in these areas more than the comparably minor threat of proliferation, and vice versa for Australia. However, even then, the proliferation threat was far greater in absolute terms for the United States than for Australia. For the entire period covered by the present study, particularly the 1990s, large numbers of US military forces stationed permanently in the Middle East, Northeast Asia, and southern Europe and Turkey, have faced potential CB/M threats by hostile states. Some portion of globally deployed US naval forces are likewise usually in harm’s way. The immediacy of these threats has steadily increased over the past decade, as proliferation has preceded apace in hostile states as Iran, Libya, North Korea and Syria – particularly in terms of effective delivery systems – and the US military presence in adjacent countries has increased. Additionally, the US has

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15 Walt formulates the notion of balance of threats specifically in regard to alliance formulation, rather than foreign policy behaviour generally. However, the fundamental premise is widely applicable, particularly for the present case in which the Western anti-proliferation coalition could be seen as an alliance of sorts.

16 Which is not to embrace the tendency of geopolitical analysis to treat the state as a ‘black box’ (i.e. ignoring internal factors) operating on the basis of rational individualism. As noted already, FPA scholars have long rejected this notion (although of course they often disagree on which agent-specific factors are the most crucial). As one states: ‘Quite obviously the strategic, geopolitical “black box” model is not ‘true’ because it is not really a description of reality’ (Hilsman 1990: 47). The emerging constructivist school, which stresses the importance of how individual states perceive themselves and others, likewise stresses agency over structure (Kowert 1990/99). The post-modernists on the other hand are inclined to dismiss structural explanations altogether.

17 Other than the threat of WMD terrorism.
close allies in proliferated regions, who are under the gun of proliferation, and that the United States is obligated to protect.

Beyond these immediate threats to allies and its own forces, proliferation globally threatens to degrade US power projection capabilities by asymmetrically off-setting its conventional superiority. For example, Iran’s WMD doctrine explicitly focuses on neutralising US military power in the Persian Gulf. This danger is exacerbated by the increasing percentage of US mobility forces that are homeland-based, and which therefore rely for crisis deployment on enroute and in-theatre ports, airfields, and maritime chokepoints (e.g. Suez Canal, Strait of Hormuz) that as ‘soft targets’ are especially vulnerable to CB/M disruption (Commission off. 1998; DeSutter 1997; Hinds tst. 1989; Larsen 1995; Rauf 1998; Starr 1997). As one analyst warns: ‘America’s vastly superior conventional forces...can’t fight, if they can’t get there’ (Larsen 1995, p. 3). This consideration greatly broadens the existing geopolitical threat that proliferation poses to the United States.

In contrast, Australia has been described as ‘arguably one of the least militarily threatened states on the planet’ (Dalby 1996: 59). Even the lingering fears of prior generations, who saw their country as an isolated Western outpost in a potentially hostile Asia, had largely given way to benign perceptions of the region by the early 1980s (Dalby 1996; Walker int.; White int.). This propitious geopolitical circumstance has been especially notable regarding proliferation threats. Australia has no significant forces permanently stationed outside its territory. Not having done so since the Vietnam War, it also has little expectation of ever undertaking a large-scale deployment beyond its own strategic region. As for this strategic region – which it defines as including the eastern Indian Ocean, Southeast Asia, and the southwest Pacific – it has never experienced proliferation or even a real threat of proliferation (Defence off. 1987, 1994, 1997; DFAT off. 1997; Dibb off. 1986; Evans & Grant 1991; Reese int.; White int.).

At a purely conceptual level, the strengths and weaknesses of the different approaches to anti-proliferation to a great extent depend on the nature of the threat envisioned (see Chapter 3). For example, proponents of the non-possession norm-building approach do not claim that it is the most effective in countering active, determined proliferators in the short to medium term. Instead, they maintain that its strength is as a long-term prophylaxis, whose tangible impact on today’s proliferation ‘hard cases’ may take considerable time. In other words, the approach focuses in the present on preventing the emergence of new proliferators, rather than coping with the ones that already exist. By the same token, advocates of the denial and proliferation management approaches do not claim that they offer permanent, stable, long-term solutions. Rather, they support these approaches as the best way to counter today’s proliferators. Longer term solutions are seen in terms of buying time for demand to be

18 Notwithstanding the Army’s official doctrine calling for the capability to deploy an expeditionary force as far away as Northeast Asia. Even during the Gulf War, Australia’s military involvement was limited to a token force, none of which fought on the ground. It has frequently contributed to UN peacekeeping activities. However, other than operations within the region (e.g. Cambodia, East Timor) it has not contributed significant forces. Moreover, peacekeeping operations by their nature are likely to be less risky in terms of potentially facing WMD. (Consistent with its involvement in peacekeeping, Australia has strongly supported the US position that the CWC should not preclude using RCAs under limited circumstances.) It remains to be seen whether its relatively large-scale peacekeeping involvement in East Timor will fundamentally alter Australia’s perceptions of its strategic interests.
reduced through indirect means such as democratisation, regional stability or, indeed, even norm-building.

In a sense, the different strengths of the two nonproliferation approaches can be compared to preventative and palliative (i.e. traditional) medicine. Most would agree that some combination of both is desirable. The emphasis, however, would depend overwhelmingly on whether one actually had the disease. A patient with cancer would be ill-advised to rely primarily on a healthy diet rich in antioxidants. A healthy patient would be equally ill-advised to undergo surgery or chemotherapy. To take this analogy a step further, a healthy patient at extremely high risk might consider pre-emptive surgery, but only if the risk was dire, and even then every effort would presumably be made to minimise the procedures, and the primary emphasis would remain on preventative measures.

Although this medical analogy is imperfect, it does capture the logic of why one state actively imperilled by proliferation, and another facing only a latent danger, would logically emphasise different responses. Thus, during interviews, many US officials complain that, while treaty-norms might be useful to contain the further spread of proliferation, they are ineffective when it comes to the clear and present danger posed by proliferant rogue states. At the same time many Australian officials complain that, while denial strategies may be a short-term necessity, relying on them as the primary response to proliferation is myopic, putting immediate concerns ahead of long-term solutions.

Australian officials are fully cognisant that different geopolitical circumstances are a major reason for the contrasts between Australian and American anti-proliferation preferences. One very senior, long-serving Defence official states: ‘I do think that a lot of the differences between our approaches can be quite easily traced back to differences in our strategic situation’ (White int.). A former senior, long-serving DFAT official (int.) notes that Australia’s anti-proliferation approach ‘reflects the situation that whereas proliferation anywhere is a threat to everybody, proliferation some distance from us doesn’t present the same sort of national threat as it would if there was proliferation in Southeast Asia.’ Indeed, more than a few past and present Australian officials of various rank speculate that, *if a meaningful proliferation threat were ever to emerge in its region, Australia’s response would probably move closer to a US-style approach ([DFAT] ints.; [DOD] int.; Dorling int.; White int.). This is a compelling indication that threat perception represents a decisive explanatory variable.*

**Competing Sub-national Interests**

Proliferation response often competes with other elements of national interest, for example promoting trade and maintaining cordial diplomatic relationships. It is therefore possible that if the United States and Australia have different levels of relevant competing interests, this could influence their respective anti-proliferation preferences. However, while such differences in competing interests clearly exist between these states, and probably have affected their anti-proliferation behaviour, the indications are mixed about whether this factor has contributed to the overall pattern of divergence in question.

Australia and the United States see anti-proliferation as being in their national interest. Analytically, however, it is rather more complicated. The FPA literature generally recognises that, notwithstanding its ubiquitous use by
governments to explain their behaviour, the concept of national interest is problematic as a conceptual tool. One problem is that the term is used variously to denote very different concepts, for example: the aggregate of a country’s collective concerns; or a fixed set of determinates outside the government decision-making process; or mutable government objectives. Although the former is what governments usually mean, it is also the most amorphous, and therefore least theoretically useful sense of the term. FPA theorists therefore tend to focus on the latter meanings (Frankel 1970; Plischke 1988; Rosenau 1980). In this context, they widely recognise that states do not have a single national interest, but rather a set of sub-national interests. The literature generally divides these into three broad categories: security/military; economic/trade, and political/diplomatic (Frankel 1970).19 Because they often cannot be obtained simultaneously, states often are forced to prioritise among them (Clinton 1994).

Anti-proliferation, first and foremost, represents a security interest.20 That said, the case studies provide frequent examples where it has explicitly competed with other security interests as well as economic and political interests. It is thus possible to have competing intra-category interests. In this respect, the United States has had rival security interests that would be undermined by treaty-norms, which Australia has not shared. The most conspicuous of these is that, unlike Australia, it has stood to lose existing weapons arsenals (see Appendix 2). In the CW area initially, and still in the missile area, the United States operated as a status quo ‘have’. This was certainly a factor in US wariness of the CWC, and remains a significant factor in Washington’s opposition to trying to negotiate a global missile norm. As for Australia, it is naturally easier to support disarmament when it is others who do the disarming. Canberra’s reluctance to foreclose its missile options through a regional mechanism, and its wariness of the Ottawa Convention banning landmines as a new category of abhorrent weapon – the first time that its own weapons were at stake in any of its disarmament activities since the Washington Naval Talks in the 1930s – shows that this has been a tangible factor in its support for non-possession norm-building.21

However, although possession (or lack of it) clearly is a reinforcing factor on both sides, it does not appear to be a decisive variable in explaining the overall divergence in preferences over time and across the different proliferation areas. After all, the United States had unilaterally renounced BW long before any of the contemporary debates on strengthening the BWC, unilaterally decided to destroy the bulk of its CW stockpile and later to renounce in-kind retaliation in the midst of the CWC negotiations, and bilaterally gave up INF-range missiles before rejecting attempts to negotiate a global ban on such systems. Moreover, Australia has pushed for a global missile ban, notwithstanding its own missile aspirations.

A second asymmetric, competing security interest is the need to protect

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19 As noted below in the discussion of bureaucratic factors, these sub-national interests also tend to correspond to the major bureaucratic division of responsibilities among agencies.
20 As noted below, political or economic objectives may also be involved. However, unlike conventional arms transfer policies, where the primary goal is frequently economic or political, it is the dire security threat posed by WMD that distinguishes anti-proliferation from most other policy areas.
21 Cheeseman (1997) observes that the same dynamic explains the relative lack of Australian enthusiasm for constraints on conventional arms transfers.
sensitive military and intelligence installations against intrusive challenge inspections. While both governments have such sites, Australia, unlike the United States, does not have super-secret weapons development projects, so-called ‘black programs’, the very existence of which is highly classified. Also, with just a handful of sensitive sites, Australia can institute defensive precautions, such as training, on a scale that would be impossible for the thousands of sensitive American military sites around the world (Donodio int.). Again, its easier for Australia to insist on sweeping intrusiveness when it has relatively little to hide.

However, like possession, this factor does not explain consistently divergent preferences over time and across the different areas. Having reluctantly accepted ‘anytime, anywhere’ challenge inspections in CWC, the issue of challenge inspections subsequently has not been an overriding concern for Washington in the BWC context, nor would it be for a missile treaty, because the vulnerability already exists from CWC. Moreover, given that combating proliferation has been considered a top US security interest since the late 1980s, and its very top national security priority in recent years, it would be illogical for Washington to sacrifice a proliferation response option for the sake of competing security interests if it believed that that option was the best means to achieve its anti-proliferation goals. Again, while these competing security interests in some cases reinforce each actors’ divergent national inclinations, it seems unlikely that they represent a root cause.

In addition to intra-security tensions, anti-proliferation competes with the other main elements of national interest. One analyst notes that proliferation response ‘is an extremely complex affair...because a delicate balance must be preserved between security concerns, matters of foreign policy, and commercial interests’ (Van Ham 1993: 5). US Officials, for their part, readily acknowledge these tensions. According to senior officials from the last two administrations: ‘There are frequently competing and legitimate interests at play – national security, foreign policy, and export promotion, to name three. The result is a balancing act’ (Clarke tst. 1991: 99); and, ‘We very much appreciate [that] the complex nature of the task of promoting nonproliferation...deals with tough and interrelated issues of security, economics, jobs, and trade’ (Davis tst. 1993: 4). In other words, proliferation response can damage other sub-national interests, and vice versa.

There are dramatic differences between the United States and Australia in their levels of competing economic interests. Industries relevant to missiles, CW and BW each comprise major export sectors of the US economy. In contrast Australia has no significant aerospace industry. Its small chemical industry does not represent a significant export sector of the Australian economy. Even its robust bio-technology sector, while a significant exporter, does not begin to approach its US counterpart as a percentage of GDP. Put bluntly, the United States has far more at stake in terms of competing economic interests across all of these areas.

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22 For example, the chemical industry is the largest export sector of the US economy, employing well over a million Americans, with an annual $12.7 billion positive balance of trade (US Cong. House. off. 1993). The $100 billion US pharmaceutical industry is the largest and most technologically advanced in the world, with PhRMA members accounting for the development of ninety per cent of new medicines globally (Tucker 1998b; Wollett 1998). And of course the US aerospace industry remains a global leader in both civilian and military sales and technology.
Despite this disparity, there is nothing to suggest that this helps to explain the main comparative finding in question. If anything, indications point toward a contravening explanation in this regard. It is widely acknowledged that the economic costs of supply-side strategies are far higher than for treaty-norms. One analyst notes that the costs of export controls are especially onerous for the technology-driven US economy:

Although the United States has an interest in controlling the proliferation of weapons technologies through export controls, current export controls also have an adverse effect on the ability of US industries to export these technologies for peaceful purposes...US corporations are limited in their ability to promote international sales of cutting-edge technologies and to tap into the global technology market because of...export controls on ‘dual use’ technologies (Hiestand 1995: n.p.).

Indeed, studies by the National Academy of Science estimate that in 1985 (before sweeping nonproliferation restrictions had been enacted) controls on high technology exports were already costing the US economy $9 billion and nearly 200,000 jobs annually, and that by the mid-1990s these figures had more than doubled (Moodie 1995; Hiestand 1995). Nonproliferation sanctions further spike the economic costs of supply-side nonproliferation. For example, even a single missile sanction on China could cost the US economy at least several billion dollars in trade.23 Conversely, treaty-norms tend to facilitate trade, either implicitly or explicitly.

Higher levels of competing economic interests are a likely explanation for greater US inconsistency in implementing capability-denial strategies (e.g. uneven licensing or sanctions decisions).24 This factor does not, however, explain the fundamental divergence in preference. Given the steep trade costs associated with supply-side strategies compared to treaty-norms, the United States' higher economic stakes would lead one to expect Washington to be less enthusiastic about supply-side measures than Canberra.25 Since the actual empirical finding is the opposite, this suggests that the divergence has occurred not because of different levels of competing economic interests, but in spite of them.

Of course verification provisions associated with treaty-norms pose the counterbalancing economic threat of industrial espionage. US bio-technology industries have maintained significant technical advantages over their counterparts in even advanced industrialised states. This advantage puts them

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23 This assumes Category I sanctions applied pursuant to the Helms Amendment (requiring industry-wide sanctions for non-market economies).

24 Indeed, the charge most often levelled against the Clinton administration is that its rhetorical commitment to nonproliferation has been weakened in practice by undue attention to competing economic considerations. As one impartial study observes: ‘The Clinton administration’s initial urgent prioritisation of non-proliferation, however, appeared to quickly fall foul of its pressing domestic economic agenda’ (Bowen & Dunn 1996: 122). On a more partisan note, Senator Fred Thomson recently scolded ‘The current [export licensing] review process appears rigged in favor of commercial interests rather than our national security interests’ (as quoted by Opal-Rome 1998, p.4; Washington Post 6/26/98: A09). As noted in Chapter 4, the administration has repeatedly and categorically denied such assertions.

25 Both Australian and US officials note in interviews that some other Western states (France, Germany, Japan) have been more reluctant than either the United States or Australia to embrace supply-side measures, precisely because they accord higher priority to their economic interests. This suggests that this factor may be significant in explaining differences in other cases. However, additional research will be required validate such an assumption.
at particular risk from industrial espionage in that they have relatively more to lose. This indisputably has contributed to US reservations about intrusive BWC measures. However, this was far less of a consideration for the CWC, where the chemical industry was less at risk, and in fact at some junctures during the negotiations supported stricter measures than the government. Such concerns would be a negligible factor for any potential missile ban. On the Australian side of the equation, although it faces much higher economic risks in this regard for its well-developed bio-technology sector than it did in the chemical area, it has pursued virtually identical verification policies for both the CWC and the BWC. This factor therefore has reinforced US wariness of BWC verification, but it does not offer a persuasive explanation for divergent US and Australian preferences across the board.

Assessing the causal relevance of competing foreign policy interests likewise yields an indeterminate prognosis. This factor is relatively unconvincing in the case of the United States. The fact that the United States has had strong bilateral ties to some countries of proliferation concern (e.g. Israel, Pakistan, South Korea) certainly explains any inconsistency in its application of universal nonproliferation standards in these cases. But it does not explain its larger proliferation response preferences. Again, capability-denial generally tends to be more costly than norm-building in terms of bilateral diplomacy, because it is inherently more coercive. For example, US efforts to compel and enforce Russian and Chinese compliance with export control norms has been a major irritant to two of Washington’s most important bilateral relationships. Therefore as with its trade interests, Washington leans toward capability-denial despite, rather than because of, its relatively high level of competing diplomatic interests.

On the Australian side, this factor appears to be more significant, although the assessment remains mixed. On the one hand, Canberra has a disproportionate interest in maintaining good relations with certain non-aligned governments that are hostile to discriminatory, coercive denial strategies. Whereas relations with Indonesia and Malaysia have been high on Canberra’s foreign policy priorities, such states are far less important in Washington’s international relations. Indeed, one of the main reasons that Australia feels more secure today than it did a few decades ago is that it has been able to forge stable, cooperative strategic relationships with its neighbours. Therefore, pursuing discriminatory approaches is potentially damaging to Australia’s core bilateral interests (Walker int.). In addition, beyond its bilateral relationships, Australia has much wider political interests in bolstering the UN collective security system, pursuant to its general philosophy of world politics. Treaty-norms contribute to the UN system, of which they are a part, unlike the limited-membership export control regimes (see next section).

On the other hand, non-aligned states’ vehement opposition to intrusive verification – which has often seen them arrayed with the United States against Australia – has not inhibited Canberra from fighting hard for tough verification of global treaty-norms, including through aggressive bilateral diplomacy with Indonesia and Malaysia. Moreover, the Howard government has to some extent reoriented its foreign policy away from supporting global cooperation for its own

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26 It remains to be seen whether tensions surrounding its current intervention in East Timor will change this situation, and if so with what affect.
sake, and towards bilateral diplomacy based on specific national interests.

Overall, the different levels of competing interests offer an assortment of influences pushing and pulling for and against the divergent anti-proliferation preferences of these governments. It is therefore difficult to assess whether these influences collectively do more to explain or to confound the main comparative finding. But none of the factors that would explain the divergence appears to be apply consistently for both actors across all of the areas. They therefore do not appear to be decisive variables, at least on balance.

**Worldview**

There is an undeniable link between the discernible differences in worldviews between US and Australian decision-making elites and the observed divergence in proliferation response preferences. It is unclear, however, whether worldview is an independent causal variable, or simply a manifestation of more fundamental factors.

It is widely recognised within FPA literatures that agent-specific perceptions of the external environment (i.e. objective and subjective awareness) are as important in influencing foreign policy as the actual systemic reality of that environment. At the basic level of objective awareness, this suggests that divergent understandings of the proliferation problem could explain differences in national responses to it. However, the extensive intelligence sharing between Australia and the United States in these areas would appear to minimise differences in objective knowledge as an explanatory factor in the present comparison (although it might be highly significant in other cases where intelligence disparities exist).

Beyond straightforward objective awareness, a number of subjective factors are thought to affect the outward-looking perceptions of foreign policy elites, such as belief systems, ideology, and psychological influences. IR theorists remain sharply divided about the importance of these perceptual lenses in shaping foreign policy behaviour. For example, traditional systemic and rationalist perspectives inherently disregard such considerations. But even within theoretical orientations that stress such considerations (constructivism, FPA), there are dozens of sub-literatures pointing in different analytical directions, and offering any number of typologies for categorising the internal filters that can affect decision makers' external perceptions (Ripley 1993; Smith 1988; MacLean 1988).

For the present case, however, most of these perceptual factors can safely be set aside, because they are not helpful in distinguishing American and Australian leadership elites. For instance, there are no competing civilisational (e.g. Islamic) or meta-ideological (e.g. Communist) belief systems, and the various psychological determinants on decision making are unlikely to be especially different for American and Australian elites. Given this relative similarity in leadership perspectives, the appropriate focus would appear to be ideology, as the term is used within the mainstream political parameters of Western democracies. However, the domestic-political concepts of 'conservatism' versus 'liberalism' are ill-defined and frequently misleading when applied to foreign policy. Instead, it is more useful to think in terms of the mainstream Western perspectives on the nature of international relations, realism/neo-realism versus liberalism/neo-liberalism, recognising that these are loosely identified with conservatism and liberalism respectively. The focus then
is not on neo-realism and neo-liberalism as predictive scholarly theories by which to analyse and explain events, but rather as descriptive (and therefore implicitly prescriptive) worldviews internalised by foreign policy decision makers (knowingly or otherwise).

Prior studies suggest that during the period in question there have been discernibly different national leanings between the foreign and national security policy elites in Washington and Canberra. The American foreign and national security policy establishment has been seeped in neo-realist perspectives, evolving from classical realism of the Kissinger ilk. This has been the case under both political parties, although the Democratic Carter and Clinton administrations have been seen to flirt with tinges of liberalism (Olson & Onuf 1985; Haas 1995, 1997). However, because these impulses have been episodic and limited within these administrations, and also usually tempered by divided government (i.e. Republican control of at least one part of Congress), realist/neorrealist perspectives have always remained predominant.

In contrast, Australian foreign policy circles during the Labor period embraced a self-consciously neo-liberal worldview, evolving from the English school of Grotian rationalism (Jim George 1997; Kerr 1999; Mathews & McCormick 1995).27 At the same time, Kerr (1999) finds that defence elites have interlaced a strong dose of realism into their worldview, even under Labor governments. This is not very relevant in the present case, however, since as we have seen: ‘By and large the Department of Foreign Affairs and Trade monopolises the initiation, formulation and conduct of Australian arms control policy’ (Findlay 1991b: 15). Although the conservative Howard government has adopted a more realist tone over the past few years, it is unclear whether this has shifted the fundamental neo-liberal tilt of Australian foreign policy.

The neo-realist and neo-liberal paradigms paint very different pictures of the nature of the international system and relations within that system. At the most general level: ‘Neo-realists concentrate on capabilities rather than intentions, whereas neo-liberals look more at intentions and perceptions’ (Smith 1995: 23). Reflecting the inheritance of the classical realism of Carr, Morgenthau, and Kissinger, neo-realism is especially concerned with states’ innate pursuit of power in the form of military capabilities (Halliday 1990). As regards international norms and institutions, Wendt observes that neo-realists see these as reflecting state interests, whereas neo-liberals additionally see them as affecting states’ conceptions of their interests over time. Therefore he notes that in the neo-realist worldview:

Any international institutions which are created will be inherently unstable, since without the power to transform identities and interests they will be ‘continuing objects of choice’ by exogenously constituted actors constrained only by the transaction costs of behavior change (1994: 403–404).

In other words, the two perspectives fundamentally disagree on the ability of

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27 Halliday (1990) characterises the English School as lying between the extremes of traditional realism and liberalism. The Grotian perspective sees the international system characterised by neither the realists’ anarchy nor the liberals’ rule of law, but instead as a ‘society’ of states that interact according to a web of conventions including international law, balance of power, and force. Kerr (1999) finds that the English School, although often described as a variation on realism, lies closer to neo-liberalism than neo-realism.
norms and institutions to alter or constrain state behaviour, especially in the long term.

Even at this level of gross generalisation, the two perspectives point to obvious prescriptive preferences vis-à-vis the three broad approaches to anti-proliferation. As the term suggests, capability-denial is all about inherent capabilities, with intentions considered secondarily or not at all. For example, a state might have perfectly peaceful intentions for its SLV program, but the MTCR Annex would see it as a Category I system by any name. As one analyst states, the US emphasis on denial strategies reflects a 'realist worldview that linked national security to military strength and military strength to dominance in science and technology' (Wright 1993: 141). Consequence-mitigation likewise focuses overwhelmingly on capabilities rather than intentions. In contrast, intentions are embedded in the cooperative norm-building formula, where states are explicitly or implicitly granted access to capabilities in return for promising not to misuse them (and demonstrating this benign intention through verification).

A neo-liberal looking at the norm-building project can comfortably overlook short-term weaknesses in deference to the expectation of a slow, ongoing synthesis of interests that over time promises to solve the problem permanently. For a neo-realist on the other hand, what time lends to a norm is the ever-greater possibility of breakout as real capabilities accumulate behind a lulling veil of good intentions. Thus, a neo-liberal would see capability-denial as at best a necessary but temporary evil to hold the line while the effects of norm-building are taking root. As a primary long-term approach, however, a neo-liberal would see it as inherently short-sighted, locking in an indefinite, ineffective, costly and ultimately unnecessary struggle between suppliers and recipients. As for consequence-mitigation, neo-liberalism would regard this as an additional long-term cost necessitated by the gormless insistence of relying on denial strategies, which would not be needed if normative strategies were used to good effect. The neo-realist would not necessarily dispute the imperfection of denial strategies, but without norm-building as a viable alternative, would see this as requiring steps to manage inevitable proliferation. (In the present case, the dramatic differences in long-term optimism about preventative nonproliferation shown in Figure 8 are fully consistent with these two sets of expectations.)

I ideological orientation influences more than just opinions about the efficacy of one or the other anti-proliferation approach. To the extent that anti-proliferation represents a high priority on the international agenda, the approach chosen will bolster different visions of world politics. Norm-building fits in neatly with an international system based on collective security, whereas capability-denial and proliferation management represent what amounts to a concert of powers, or occasionally even unilateralist, approach to international relations. Ergo, in explaining the ideological basis of criticism that is often

28 Arguably less so, however, since in principle denial strategies are applied equally to friend and foe, whilst proliferation management is based on the assessment that there is a threat from hostile proliferators. Thus, the US cooperates on TMD with missile proliferators like Israel and South Korea.

29 Muttimer (1998) draws an analogy between nonproliferation approaches and anti-drug approaches, with capability-denial representing law enforcement and norm-building representing education and treatment programs. What is interesting is that this analogy can be extended to ideology, since in domestic terms the former is closely associated with conservative perspectives, and the latter with liberal.
levelled against supply-side strategies, Karp observes:

The challenge ultimately is a question of world order: Will future international security affairs be dominated by the pursuit of distinct national interests organised through us-against-them alliances, or will they give a greater role to collective security organisations based on universal principles? Most supplier governments are divided on such issues (1996: 27).

Roberts (1993) argues along the same lines that supporting the CWC is important not only to address CW threats, but also as a means to bolster the larger UN system of collective security. Thus, the prescriptive implications of these competing worldviews apply not only to proliferation per se, but to the wider political agenda of world order. It is presumably in just this sense that one analysis of Australian disarmament policies concludes: ‘In the context of Australian foreign policy as a whole, disarmament and arms control policy has thus far been overwhelmingly shaped by political objectives rather than security or economic objectives’ (Findlay 1991b: 16). Indeed, a number of observers suggest that Australia’s disarmament policies during the Labor period were driven to a significant extent by its commitment to a wider ideological agenda for world politics (Butler int.; Evans 1997; Leaver 1997b; Mathews & McCormack 1995).

Since each of the two subject actors has evinced a marked leaning towards different competing worldviews, and these in turn correspondingly augur for the different anti-proliferation approach favoured by each – both narrowly in terms of how best to curb proliferation, and more broadly in terms of contributing to broader formulas of world order – it would seem that there is a strong link between worldview and anti-proliferation behaviour. The question that remains is whether this is a causal connection. Although US and Australian elites are seen to subscribe to different worldviews, extant theory is unclear about why this should be so. Consequently, it is difficult to know whether their divergent worldviews represent an independent causal variable, or merely are secondary manifestations of other primary factors.

If foreign policy worldview is in fact derived from political ideology, with realism on the right and liberalism on the left, as is typically assumed, then it could represent an key explanation in the present case. If so, this would mean that US decision-making elites have been more conservative (i.e. neo-realist) than their Australian counterparts, to the extent that, not only were the centre-right Reagan and Bush administrations to the right of the centre-left Hawke and Keating governments, but less intuitively that the centrist ‘new Democrat’ Clinton administration remained to the right of the centre-right Howard government (albeit likely with a narrower gap). There is certainly nothing in our empirical findings that is inconsistent with this interpretation.

The idea of a relatively static comparative balance between US and Australian ideological perspectives is not as improbable as the changes in the ideological orientation of their regimes over the past two decades might suggest.

On the Australian side, Miller (1988) argues that the foreign policy differences between the two major Australian parties are more rhetorical than real. Additionally, the conspicuous influence of the Australian career bureaucracy is a force for continuity in changing political winds. This latter
factor is especially pertinent in the present case, because anti-proliferation policies have generally been formulated and implemented well below the overtly political ministerial level. Another source for Australia’s enduring neo-liberal penchant relates back to its status as a ‘self identified’ middle power. Whatever flaws the concept of middle powerdom may have as a predictive national attributes theory, foreign policy elites in Australia have embraced it as a prescriptive foreign policy recipe. One observer notes: ‘The Australian government under the leadership of [Labor prime ministers] Bob Hawke and Paul Keating has projected the notion of middle powerdom as the conceptual foundation of its foreign policy’ (Hocking 1997: 134). Middle-power theory’s prescriptive emphasis on cooperation over coercion, and international law over ad hoc structures, correspond neatly with the neo-liberal outlook. Given that this foreign policy doctrine has been closely associated with Labor governments, it is not necessarily distinct from ideology, but can be seen as a reinforcing factor which, to some extent, may also have seeped into the Coalition’s worldview.

On the US side, despite speculation about the erosion of the bipartisan national security consensus that prevailed during the Cold War, and increasing Congressional partisanship on these specific issues, there is still a significant centre that shares fundamentally the same worldview. On proliferation response in particular, while Congressional support for treaty-norms has tended to divide somewhat along party lines, although not strictly – recall that it was in a Democratic Senate that concerns about the CWC initially delayed ratification – there has also been strong bipartisan support for tough supply-side (e.g. sanctions) and counterproliferation policies. There is likewise no evidence of deep schisms within the broader national security establishment from which many political appointees are drawn. Moreover, to the extent that ideological differences have existed, divided government would have hindered either branch of government from successfully acting on any radical shifts in worldview.30

Although the link between domestic ideology and divergent worldviews is plausible, another viable explanation is that the difference in US and Australian worldviews is merely a secondary symptom of geopolitics. For example, is Japan pacifist for ideological reasons, or because it can afford to be by virtue of having the United States provide its security? If geopolitics rather than ideology is the root cause of the divergence in US and Australian worldviews, then these different worldviews are nothing more than secondary effects of this root cause. The credibility of this alternative explanation highlights the common inability of extant FPA theory to distinguish between intertwined primary causal factors and their subsidiary manifestations. Thus, while it can be inferred that there is a strong link between worldview and anti-proliferation preferences, the causal significance of this is open to interpretation.

**Governmental/Bureaucratic Structures**

Differences in governmental systems and bureaucratic decision-making structures doubtless contribute to the marked differences in the style and consistency of US and Australian proliferation response policies. But it is difficult to discern a causal variable between these factors and these actors’ overall preferences for different anti-proliferation approaches.

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30 Other than for the first two years of the Clinton administration, neither party has controlled the White House and both sides of Capitol Hill during the relevant period.
The causal relevance of governmental and bureaucratic structures and processes on foreign policy behaviour represents a mainstay of FPA theorising. Even among Western democracies, differences between presidential and parliamentary-cabinet systems can yield significant foreign policy differences. The constitutional division of powers within the US system gives Congress far more power over foreign and national security policy than most parliaments, especially regarding treaty-making. The President moreover does not exercise explicit control over members of his political party in Congress. Thus, even when the same party controls the White House and both sides of Capitol Hill – a rare and usually brief occurrence in recent decades – Congress is prone to act independently. At the same time, most prime ministers have far less control over the ministers in their own cabinet than is the case for the US President. The American cabinet, serving at the pleasure of the President, does not fulfill the collective decision-making function by which the term is understood in a parliamentary system. But cabinet secretaries in the United States are able to exert extensive control over their departments through a network of political appointees throughout the hierarchy, whereas ministers themselves are the only personnel that automatically change with the government in the Australian system (Blechman 1990; Halperin 1974; Nathan & Oliver 1983; Rosenau 1976; Verney 1992; Wilson 1989).

These differences in system of government suggest that the style of US foreign policy decision making is likely at any given moment to be more cumbersome, fragmented, and unpredictable than that of Australia. As for continuity over time, the result is somewhat mixed. On the one hand, the dominance of senior bureaucrats in Australian policy making minimises political interference within departments. At the same time, the need for any US administration to find mutual accommodation with Congress mitigates against radical policy shifts, whereas a new Australian government faces no comparable political constraints.

The case studies reveal that such differences in foreign policy style and consistency are readily apparent in US and Australian anti-proliferation policies. It is unclear, however, how much, if at all, these factors explain the divergence in their overall approaches. Of course one cannot validate a hypothetical negative. But there is nothing to suggest that fundamental US preferences would have been different if Congress had not played a significant role. For example, although the Senate can exercise a negative pressure on norm-building through its scrutiny in the treaty ratification process, Congress under both parties has also been the driving force in ensuring that administrations of

31 The emphasis in the present analysis is on governmental and bureaucratic structures more than discrete decision-making processes. There is a plethora of models on decision-making processes, including social choice theory, the Analytic Model, multiple paths to choice, the group-think model, the bureaucratic politics model, incrementalism, the garbage can model, communication models, decision unit modes, and the input-process-output approaches (Gallhofer & Saris 1997). However, these models are of dubious value in explaining specific behaviour. More to the point, there are insufficient data regarding differences, if any, in decision-making processes in the US and Australia.

32 Verney (1992) notes that 'parliament' in this sense is almost always used to denote the 'assembly' component in a parliamentary system as distinct from the 'government' component, both of which are technically part of the parliament.

33 Of course to the extent that ideology is important, as discussed above, control of the US Senate could be seen as a key variable in US attitudes towards treaty-norms. However, since treaty ratification requires a two-thirds super-majority, and the minority retains significant influence under Senate rules, a significant degree of bipartisan support is almost always required no matter which party holds the majority.
both parties have enforced capability-denial rigorously. On the other side of the equation, if the Australian Parliament had had a larger role, there is no indication that it would have interjected any meaningful scepticism about non-possession norm-building. If anything, circumstantial evidence suggests that greater Parliamentary involvement might have further dampened support for supply-side instruments. Likewise, there is no indication that a stronger Prime Minister, or a Foreign Minister with more politically appointed deputies, would have imposed different preferences.

Since the seminal works of Allison (1971) and Halperin (1974) first challenged the conception of states as unitary, rational actors, foreign policy influences at the bureaucratic level have been seen as equally or more important than overall governmental systems. Although views on the particulars are diverse, it is widely held that:

Decision structures and their procedures exert a powerful influence on the substance and form of foreign policy behavior. If different decision structures or processes are employed, then frequently the nature of the resulting foreign policy can be expected to change (Charles Hermann 1978a: 70).

Here, too, differences between Washington and Canberra are readily apparent at the basic structural level. Whereas the National Security Act of 1947 institutionalised bureaucratic fractionalisation within the US executive branch, Australia has no such institutionalised interagency process to coordinate disparate elements of foreign and national security policy on a day-to-day basis (Ball & Kerr 1996). Consequently, control over issues is far more concentrated within single government departments in Canberra, whereas in Washington a complex, multi-layered, regularised interagency process ensures that the role of any particular agency is limited to interagency ‘lead’ for a given issue.

These bureaucratic differences reinforce the outcomes suggested by governmental differences; namely, that any aspect of US foreign policy should be more cumbersome, fragmented, and inconsistent when compared with Australia. But the only bureaucratic factor that might explain consistently divergent anti-proliferation preferences is the consistent involvement of a mix of agencies on each side with different collective preferences. For instance, the strong anti-norm, pro-denial influence of the Pentagon in the US interagency, compared to the passivity and neutrality of the Australian Defence Department, could account for ‘national’ differences. On the surface, this appears to be a promising line of analysis.

Survey data reveal sharply different attitudes among US agencies. If US and Australian attitudes are compared by agency rather than collectively (i.e. nationally), State Department and DFAT officials are seen to share roughly comparable biases towards norm-building (see Figure 10). Given that DFAT controls relevant Australian decision-making, whereas State must reach accommodation with other agencies, this suggests that bureaucratic variations in bureaucratic involvement could be a decisive causal factor. Put crudely, take the Pentagon and other US agencies out of the picture, and by this measure

34 Indeed, a key DFAT official indicates that behind the scenes, Australia often worked with State or ACDA to help them fight other US agencies, for example floating proposals internationally which had been rejected by the US interagency ([DFAT] int.).
Figure 10: Survey Question 2 - Preferred Approach (By Agency)

Hypothetically, if you had to choose, which of the following would you consider to be more important in promoting your country’s anti-proliferation goals:

**Option 1)** Building and maintaining strong multilateral treaty-norms against the possession of these weapons; or,

**Option 2)** Preventing specific transfers of these weapons and associated equipment and technology to programs or countries of concern?

SELECTED US AGENCIES VS. DFAT

Here again, there is a question of primary cause versus secondary effect, with the overwhelming probability that bureaucratic differences represent the latter. In other words, variance in bureaucratic involvement does not explain the divergence, so much as the factors that explain this variance. Specifically, national interest theory, as well as most bureaucratic politics models, to a greater or lesser extent recognise that, in addition to various intermediary factors (e.g. organisational processes, personal interests) different agencies ‘rationally’ represent different components of the national interest (i.e. security, diplomacy, and trade) (Frankel 1970; Halperin 1974; Hilsman 1990; Nathan & Oliver 1983; Rosenau 1976). One official US report observes that this is the explicit intent of involving multiple agencies in the interagency process for nonproliferation (Nolan off. 1996: 21).

The level of a given agency’s participation therefore in large part can be seen as a reflection of the sub-national interests at stake on a given issue. For

in the middle. By the same token, Commerce has also been wary of intrusive verification. Commerce officials who were approached for interviews all declined, so their biases are not reflected in the survey data.

The level of a given agency's participation therefore in large part can be seen as a reflection of the sub-national interests at stake on a given issue. For example, the Commerce Department has been a major player in all aspects of nonproliferation, which involves both export controls and verification measures that impact commercial interests, but it has not participated in traditional arms control processes (e.g. CFE, START). Similarly, the Energy Department has participated actively in the interagency process on CBW treaty-norms, because intrusive challenge inspection measures can impinge on the security of its nuclear laboratories, but has been totally uninvolved in the missile area where no such policies have been in the offing (Allessi int.).

This logic suggests that the Pentagon is involved in proliferation response, and by extension that it embraces its particular preferences, because the United States faces a clear and present geopolitical danger from proliferation. Likewise, the reason that the Australian Defence Department has been voluntarily passive and, by extension, content with DFAT's approach, is because it perceives no direct proliferation threats. This inference is supported by the finding that Australia's Defence establishment incorporates a healthy dose of realism in its worldview (Kerr 1999), and officials' assertions that Defence would unquestionably seek to assert its influence to reshape Australian anti-proliferation policies if an explicit proliferation threat were to emerge ([DFAT] int.; [Defence] int.; White int.). The same is demonstrably true if it had specific military equities that were threatened. For example, the aggressive Defence reaction to the anti-landmine negotiations, and its moves to block consideration of a regional missile arrangement, indicate that it is willing to intervene against non-possession norm-building when its interests are at stake. It therefore seems very likely that differences between US and Australian interagency involvement have not been a major causal variable in the divergence of US and Australian responses to proliferation, but rather a reflection of differences in the geopolitical balance of proliferation threats, reinforced by the lower level of competing sub-national interests on the Australian side.

National Identity/Political-strategic Culture

There are a number of other agent-specific factors that are thought to influence foreign policy behaviour, including: national identity, domestic politics, and idiosyncratic leadership. None of these factors appears to offer compelling explanations for the fundamental divergence in US and Australian responses to proliferation.

National identity is often espoused as an material variable affecting a given actor's foreign policy and security interests and policies (Jepperson, Wendt & Katzenstein 1996; Kowert 1998/99; Sampson 1987). Whereas the concept of worldview entails outward looking perceptions, national identity and the related concept of political-strategic culture pertain to self-image. For example, one study notes: 'The "political culture" of the United States refers to the political values, cognitions, ideas, and ideals about American society and politics widely held by the American people' (Kegley & Wittkopf 1991). An obvious parallel is the operative assumption in psychology that an individual's self-image explicitly affects their behaviour in predictable ways. But as Chafetz,
Spirtas and Frankel note, identity theory continues to suffer from two profound flaws:

First, it offers too many vague and imprecise definitions – which means that it offers none – of the concept that stands at its very core; second, most of this scholarship does not go much beyond the mere assertion that identity is important and that, somehow, in one way or another, it plays a role in how states define and pursue their national interests (1998/99: vii).

Therefore, while perhaps perfectly valid, the concept at its current stage of theoretical development is too vague to explain the specific finding at hand.

Beyond the general explanatory weakness of identity theory, the relative cultural and political similarity between the actors in question would appear to minimise the applicability of this factor in the present case. For example Siracusa and Cheong (1997) and Spillman (1997) argue that Australia and the United States have shared strong similarities in their national identities throughout their histories relative to other sets of countries. These include: Anglo-American culture; settler nations; vast geographic territory; multi-ethnic/immigrant societies; urbanised, democratic; capitalist; and, federated system of national organisation.

Spillman finds that the one appreciable difference is that Australian national identity is more informed by how it is perceived by the rest of the world, whereas American national identity focuses on internal integration. While this raises the tantalising prospect that Australian society’s greater desire for external approval – in effect a psychological need to be liked, whether within the society of states or international civil society – might impel its government to embrace cooperative rather than coercive international relationships, this hardly seems a tangible basis on which to suggest causal inference regarding specific patterns of proliferation response behaviour.

**Domestic Politics**

Extant theory on domestic political influences on foreign policy does not offer a particularly useful explanatory tool for the present comparative analysis. On the one hand, there is a wide consensus among FPA theorists that at the highest decision-making levels, domestic and international pressures are weighed simultaneously in any foreign policy decision (Putnam 1988). Flank (1994) specifically argues that this has been overlooked as an important influence on the anti-proliferation policies of Western states. At the same time, political variables are extremely complex, involving the governing regime, opposition parties, and various interests groups (Hagan 1987; Salmore & Salmore 1978). Most attempts to isolate domestic political factors for comparative purposes therefore tend to concentrate on the sole variable of accountability (democratic versus authoritarian systems of government), which obviously is not a distinguishing factor in the present case. Halperin (1974) notes that analysis is further complicated by the frequent reluctance of governments to acknowledge the intrusion of domestic considerations on foreign and national security policy.

Turning specifically to the present case, there are no obvious differences between the pressures faced by successive US administrations and Australian governments that would explain their consistent divergence in anti-proliferation...
preferences. Some of the differences in domestic political pressures that have existed reflect other explanatory factors, such as ideology and competing sub-national interests. For example, political pressure from domestic US industry, in the form of PhRMA’s opposition to BWC routine inspections, is a reflection of the high economic stakes involved. But others factors, for instance so-called ethnic politics, represent truly independent variables. In this regard, Washington is generally thought to be unusually subject to ethnic pressures on foreign policy, particularly from groups concentrated in key electoral states for the Presidential election system (Halperin 1974; Kegley & Witkopf 1991). Although Australia as a multi-ethnic immigrant society is probably more similar in this respect than most countries, United States foreign policy has been more prone to ethnic ‘pork barrelling’. However, while this might contribute to US inconsistency in implementing global anti-proliferation policies – e.g. going easier on Israel, or tougher on Cuba – it is hard to imagine how ethnic interests would shape its overall anti-proliferation approach.

In addition to special interests, domestic pressures can take the form of generalised public concern. On the Australian side of the equation, this was clearly a major factor in the Hawke government’s activism on nuclear disarmament in the early 1980s. However, while this policy had a spill-down effect in the other areas, there was never any significant concern by the Australian public or, for that matter, Labor Party activists, about CB/M proliferation. Indeed, public awareness and concern regarding these areas has been a markedly stronger factor in the United States. Here again, while this is an obvious explanation for the higher priority given to responding to proliferation in Washington versus Canberra, it does not appear to bear on the nature of that response. This leads to the conclusion that various strands of domestic politics may have affected the relative consistency and priority of each actor’s proliferation response, but domestic pressures have been relatively neutral regarding overall approaches.

Idiosyncratic leadership

One of the most controversial and under-theorised variables in foreign policy making is the impact of idiosyncratic personality. While decision makers play a key role in many FPA perspectives, the focus is usually on psychological factors in decision-making processes, or on their institutional roles, which are seen to set parameters that nullify, or at least minimise, the impact of personality. Thus, advocates of the importance of idiosyncratic leadership assume that certain leaders have qualities that are resistant to moulding and modification by process and role variables. However, even supporters of this view acknowledge that such factors do limit the impact of personality. Specifically, the influence of personality is seen to increase with the level of the individual within decision-making structures, and the intensity of their personal involvement, and to decrease with the size of the bureaucratic organisation. Even under optimal circumstances, the impact of any given decision-maker’s personality is indirect and subject to numerous intervening factors (Kegley & Witkopf 1991; Margaret Hermann 1978) In practice, Hermann notes that this narrows the scope of this factor significantly: ‘The personal characteristics of only a few high level policy makers affect foreign policy and, even then, only under certain conditions’ (68).

Because proliferation response issues have generally been formulated
and implemented below the ministerial level in both Washington and Canberra, leadership theory suggests that personality is unlikely to be a major causal factor. The fact that the patterns in question have spanned multiple leaders reinforces this presumption. In fact, the few glaring instances of idiosyncratic leadership in the case studies all bear a negative causal relationship. The most notable example of this is President George Bush’s personal commitment to the CWC, the source of which was apparently his mother, whose father had been grievously injured by poison gas in the First World War. Other examples include on the US side the deep personal commitment of a single member of the NSC staff to support negotiations for a BWC verification protocol, despite the unanimous objections of the interagency, and on the Australian side, Assistant Secretary Ron Walker’s personal dedication to the nascent Australia Group process. In each of these instances, the governments were impelled closer to their non-proclivity approach than otherwise would have been likely.

Summary Analysis: What is ‘The’ Explanation

It is impossible at this juncture to isolate ‘the’ explanation for the divergence of US and Australian proliferation response preferences, or even to formulate a definitive hierarchy of possible explanatory factors. This is partly due to the explanatory weakness of many elements of extant theory, and partly an inherent limitation of the small-n problem in any two-actor comparison. That said, the preceding findings and analysis do suggest a clear ranking of variables. This allows if not a single causal hypothesis, then at least a very likely notional hierarchy of explanations.

The single most persuasive explanation is differences in the balance of threats faced by each of the subject actors vis-à-vis CB/M proliferation. Although other factors also are significant influences, threat discrepancy nonetheless stands out as the most compelling, straightforward, and independent variable. It seems reasonable to surmise with a high degree of confidence that geopolitics is a key factor in determining national proliferation response preferences.

Beyond this primary explanation, the remaining causal factors considered in the above section also are undeniably important. These remaining factors are summarised below in roughly descending order of likely importance.

There is unquestionably a significant link between differences in the subjective worldviews of the relevant policy elites – along roughly realist/neo-realist versus liberal/Grotian/neo-liberal lines – and the inclination to support capability-denial/consequence-mitigation versus non-possession norm-building. At the same time, it is open to interpretation whether this represents a root cause, or a secondary manifestation of other factors such as geopolitics.

Competing sub-national interests represent a complex set of influences on national proliferation response. However, no such factor can be seen to have contributed consistently to the preference of either actor over time and across proliferation areas. In some instances competing interests have reinforced overall national preferences, but in others they have been countervailing pressures against those preferences. Although these factors therefore must be taken into account as significant causal variables when examining any particular proliferation response behaviour, they do not individually or collectively explain the consistent overall divergence in national preferences.
Differences in national identity may be a relevant factor in shaping anti-proliferation preferences. However, existing theory in this area provides few tools with which to gauge this variable. The similarity in national identities between the two subject actors would seem to minimise this consideration in the present case, although it may not be entirely irrelevant.

Differences in national attributes, governmental and bureaucratic structures, and domestic politics all appear to be marginal or negligible as primary influences on divergent national preferences. Idiosyncratic leadership, to the extent that it has influenced national approaches, has been a countervailing factor.

CONCLUSION

Complementary Research Agenda

There is a clear need for further empirical research and theoretical analysis on the national proliferation response preferences of other supplier countries. As noted in Chapter 1, the absence of empirical data on national anti-proliferation policies represents a gap in our basic descriptive knowledge of this crucial international security issue. This descriptive deficiency hinders meaningful comparative analysis which, in turn, restricts the scope for even rudimentary theory building regarding proliferation response behaviour.

The first priority for such a research agenda is to compile comprehensive, complementary, descriptive data on the anti-proliferation policies of all of the key Western states, in order to determine the parameters of national divergence that exist within this core anti-proliferation coalition. Whilst the present study conclusively refutes notions of rigid cohesion among all Western states, in the absence of data on other actors it cannot put this finding into a larger context. Even from the limited information available, it is evident that the divergence between the United States and Australia is almost certainly not an anomaly. But it remains to be shown whether this represents an extreme case, or lies somewhere on a broader preference spectrum.

Comparative analysis should be broadened as additional empirical descriptions make further causal inference feasible. The preceding section already represents a solid foundation for theory-building. The apparent strong causal relevance of the geopolitical balance of proliferation threats is especially promising in this regard, since this is a readily quantifiable systemic factor. Unfortunately, in light of the paucity of complementary studies to validate or refute this analysis, it must be regarded as tentative even for the present cases. It certainly is no more than suggestive for other actors.

One of the only other comparative studies offers findings that are at least consistent with the analytical conclusions of the present study. It finds that several NATO governments show a discernible preference for arms control solutions, that their defence bureaucracies tend to leave proliferation response issues to foreign ministries, and that they perceive the magnitude and immediacy of the threat posed by deliverable WMD as more remote than Washington (Center for Counterproliferation Research n.d.). Such seemingly pertinent findings in a study that was not designed to be complementary suggests that complementary research could greatly strengthen our ability to draw firmer analytic conclusions. That said, the complexity of the multi-causal
factors involved make the likelihood of success for such a theory-building project uncertain. But further analysis based on the accretion of parallel findings would at a minimum assist in providing a broader context for the present findings, and ultimately might well enable the construction and testing of a theory of Western proliferation response preferences. Such an intermediate-level theory of state behaviour would have explicit predictive and implicit prescriptive utility.

This theory-building agenda eventually could be profitably expanded to examine other, non-Western supplier countries that have been openly less like-minded in their responses to proliferation. A promising initial focus for this latter category would be the sub-group that has opted to participate in aspects of both supply-side and treaty-based nonproliferation, including Russia, China, South Africa, Argentina, Brazil, Ukraine, and South Korea.

**Public Policy Implications**

Putting aside the tentativeness of causal inferences, and the need for further research to rectify this analytic deficiency in our understanding of divergence in national anti-proliferation preferences, the major comparative finding of this study raises important public policy questions. These go well beyond the immediate comparison of the two actors.

It is virtually a given that the effectiveness of nonproliferation depends on cooperation among many states. Even the world’s lone superpower cannot hope to prevent and manage proliferation without substantial assistance. The level of cooperation required differs depending on the approach. Treaty-norms require extremely broad participation by a variety of types of states, and ideally seek universal cooperation. Supply-side nonproliferation requires the cooperation of all significant suppliers, and ideally all alternative suppliers, potential suppliers, and transhipment states. Consequence-mitigation requires at least minimal cooperation among states that are likely to face proliferation threats together (e.g. any alliance in which some members are in harm’s way). Because these groupings all include at least the major Western states, these collectively represent the core anti-proliferation coalition whose cooperation is required for any approach to be effective.

As we have seen, many observers argue that no one approach is optimal, and that what is needed instead is a web of anti-proliferation strategies incorporating all approaches. Australian Foreign Minister Gareth Evans in effect made this point when he beseeched MTCR delegates:

> Let us, above all, not allow bickering amongst us on what can perhaps be described, with respect, as theological issues to obscure our common purpose. That common purpose must lie both in the global norms we have achieved – and still need to improve – and in the export control regimes which we must seek to make as effective and non-porous as possible (1993 off.: 3).

But these laudable sentiments obscure the fact that there are inherent tensions between the approaches. While states may agree that all of these approaches have a role to play, they cannot avoid decisions that involve trade-offs, involving both other approaches and competing interests (i.e. unrelated to anti-proliferation or even national security), that result in their choosing (whether explicitly, implicitly, or unwittingly) a hierarchy of preferences.
Significant divergence within the core anti-proliferation coalition regarding the proper balance of this hierarchy cannot help but have an enervating impact on its constituent parts. This is evident even in the present narrow two-actor comparison. There can be no doubt whatsoever that non-possession norm-building has been rendered far weaker than it would have been due to Washington's ambivalence. If the United States had opted to be more helpful, both CWC and BWC could have been more stringent, more quickly, and a missile norm might at least have been explored. (Washington's rejection of the CTBT provides another obvious example of this dynamic in the nuclear area.) It is equally certain that capability-denial has been far less effective than it would have been if Australia (along with other Western governments) had supported US efforts to further institutionalise the multilateral export control regimes, and had actively supported US efforts to widen and aggressively enforce stringent export control norms. Nor does Australia appear to have been especially unhelpful in this regard compared to other key Western states. Likewise, in the consequence mitigation area, American efforts to manage the negative effects of proliferation will likely be hampered if its major allies were to mirror Australia's half-hearted support for CB/M deterrence and counterproliferation strategies (although in this regard Australia does appear to be among the least enthusiastic of the United States' major allies).

It is neither the intention nor the place of this study to offer prescriptive judgements about which anti-proliferation approaches are superior or inferior. At the same time, it is safe to say that by having failed to agree on this very point, Western states have undercut their ability to pursue a collective strategy with maximum vigour. Perhaps by failing to agree on a firm hierarchy among approaches, Western states have avoided the risk of choosing the wrong one to emphasise. But then, by the same token, they have also squandered the chance of using any one to its full potential. If the spectrum of Western preferences is deeply divided, with systemic factors like geopolitics as a root cause, then this may well be an intractable problem. The first step in addressing any problem, however, is at least to recognise it as such.
## APPENDIX 1
### US–AUSTRALIAN RANK EQUIVALENTS

<table>
<thead>
<tr>
<th>UNITED STATES</th>
<th>AUSTRALIA</th>
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<tbody>
<tr>
<td>Secretary</td>
<td>Minister</td>
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<tr>
<td>Deputy Secretary</td>
<td>Secretary</td>
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<tr>
<td>Under Secretary</td>
<td>Deputy Secretary</td>
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<tr>
<td>Assistant Secretary</td>
<td>First Asst. Secretary</td>
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<tr>
<td>Deputy Assistant Secretary</td>
<td>Assistant Secretary</td>
</tr>
<tr>
<td>Director (Office)</td>
<td>Director (Section)</td>
</tr>
</tbody>
</table>

**Deputy Director**

**Assistant**

**Action Officer**

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**Non-conforming US Agencies:**

**NSC**
- Senior Director = Asst. Sec.
- Director = Dep. Asst. Sec.

**ACDA**
- Director = Secretary
- Dep. Dir. = Dep. Sec.
- Assoc. Dir. = Under Sec.
- Asst. Dir. = Asst. Sec.
- Branch Chief = Office Director
APPENDIX 2
NATIONAL POSSESSION AND EMPLOYMENT

UNITED STATES

Chemical Weapons

US responses to CW proliferation have occurred in the context of its longstanding status as an acknowledged CW possessor.

The American military has had offensive CW capabilities since the early part of the century. Following the widespread use of poison gas by all sides in the First World War, the United States and its Western allies disarmed Germany’s CW-stockpile and dismantled associated production infrastructure, but insisted on retaining their own stockpiles to deter use by others (Thomas & Thomas 1970). Although the other victorious powers agreed to forgo at least the first-use of CBW via the 1925 Geneva Protocol, the US Senate in 1926 refused to consent to ratification, arguing that the United States needed to retain the right to use such a militarily effective class of weaponry (Smithson 1995). Following World War II, President Truman formalised this position by withdrawing the Geneva Protocol from further Senate consideration (Burcke & Flowerree 1991), leaving Washington with no explicit restrictions on its freedom to use CW.

The United States declined to rule out even first-use during the early Cold War period. The US Army’s secret war plans during the 1950s allowed for the use of CBW, first or otherwise, at the discretion of the President.¹ The US actively researched, developed and produced CW throughout this period. It was not until President Nixon signed National Security Decision Memorandum-35 (NSDM 35) in November 1969, reorienting US CBW doctrine, that the United States fundamentally altered its position on possession and employment. The US renounced first-use and instituted an unconditional unilateral moratorium on new production (Wright 1990). However, existing stockpiles were retained to provide deterrence-in-kind against the Soviet arsenal, and defensive programs continued (albeit at severely reduced levels). When the US finally acceded to the 1925 Geneva Protocol on 10 April 1975, it formally reserved the right to retaliate in-kind, as well as to use RCAs in limited circumstances (SIPRI 1976).

The US maintained its self-imposed moratorium on CW production for more than a decade. However, the USSR did not reciprocate, and continued to develop and produce new generations of CW throughout the Détente period. Moreover, the advent of binary technology had greatly enhanced the potential tactical utility of CW.² Consequently, when Détente collapsed after the Soviet invasion of Afghanistan, the United States grew increasingly concerned that NATO was at a severe qualitative and quantitative disadvantage in this area. Nor was this merely a Pentagon fetish. As one senior ACDA official testified:

The concern is that, over the last 15 years, we have not

¹ According to Wright (1990), US Army Field Manual 27-10 of 1954 states that the US military would not be the first to use CBW. However, she notes that this was superseded by parallel classified directives, and that in any case this statement was dropped two years later in a revised version.

² Binary weapons use two harmless agents that are combined during use to create CW agent, making them much safer for the user.
been manufacturing or improving or modernizing our chemical weapons arsenals, and the Soviet Union has, in fact, been doing that with great enthusiasm. They have manufactured...a variety of different weapons. And we are beginning to believe that the viability of our chemical weapon deterrent is not what we wish it would be (Emery tst. 1984: 2).

In light of this situation, the Reagan administration viewed upgrading the deteriorating US stockpile with new binary weapons as a high priority (Mahley int.; Perle int.; Rostow int.). However, although Congress agreed to fund research and development on binaries, and to upgrade the unitary stockpile, it was reluctant to break the unilateral moratorium by allowing new production (Burcke & Flowerree 1990). Capitol Hill made it clear that it would only consider doing so if the administration made a good-faith parallel effort to negotiate reductions with the Soviet Union (Mahley int.).

In 1985, Congress pushed through a law requiring the destruction of ninety percent of the US unitary CW stockpile by 1994 (Smithson 1997a). However, according to former US Ambassador to CD, James Leonard, this decision had nothing to do with either binary production or unilateral disarmament. 'We're destroying substantial amounts of that stockpile because its obsolete or unsafe,' he later explained, 'but not because we say we don't need chemical weapons any more' (Flowerree, Harris & Leonard 1989). In parallel, Congress finally authorised large-scale production of binary agents and delivery systems, contingent on NATO approval. The administration received this at a meeting of NATO defence ministers in May 1986, although it came at the price of agreeing to withdraw forward deployed unitary munitions from Europe, and not to replace them with binaries.

This concession triggered widespread, bipartisan criticism in Congress and the media that the administration had paid too high a price for NATO's blessing. Critics argued that by eliminating any forward deployment of CW, the arrangement would erode deterrence-in-kind rather than strengthen it. In response to such concerns, Congress attached a provision to the Fiscal Year-1988 Defense Authorization Bill that prohibited the withdrawal of unitary stockpiles from Europe until and unless they were replaced by binary munitions (CWC Bulletin [1] 1988). At the same time it tacitly dropped the requirement for NATO consent by appropriating funds for immediate binary production in the same legislation. With final deployment options therefore unclear, and parallel efforts continuing to negotiate a total CW ban, the administration had achieved its longstanding goal of closing the CW gap with the Soviet Union through large-scale binary production.

The production of 155mm binary munitions duly commenced on 16 December 1987, just twelve days after funds were appropriated. Congress so authorised production of the Bigeye stand-off binary bomb, although this was delayed by technical problems. Production of binary agents was scheduled to

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3 For example, both the Democratic chairman of the House Foreign Affairs Committee and the Republican chairman of the Senate Foreign Relations Committee wrote letters to the President expressing such concerns (New York Times 5/24/86). Then Harvard scholar Elisa Harris (and later the NSC staff member responsible for proliferation issues throughout both Clinton administrations), not known as a 'hawk' on CW issues, published a scathing editorial along the same lines (1986, 29 May). The liberal New York Times editorial page likewise opined: 'Unilateral disarmament is not usually a policy President Reagan favours, but he has chosen just such a course on chemical weapons' (6/3/86).

4 The Bigeye program had been beset with technical problems from the beginning. A 1986 GAO

The issue of binary production from the start was inexorably entwined with parallel CW disarmament efforts. But production continued right up to entry into force of the US-USSR BDA signed in July 1990 (*CWC Bulletin* [9] 1990). According to data released by DOD, a significant binary arsenal had been produced by the time the program was overtaken by arms control. This included: 680 tons of munitions, including 56,820 complete 155mm shells, 201,728 partially-filled 155mm shells, and surplus binary agents in bulk containers (*CWC Bulletin* [31] 1996).

The US is still in the process of destroying its CW stockpile pursuant to its CWC obligations. The US is certain to retain small amounts of CW for defensive research purposes, as permitted by the CWC.

**Biological Weapons**

US doctrine on possession and use of BW and CW was identical in the first decades of the Cold War. BW stockpiles were amassed in order to preserve in-kind deterrence, with use (including first-use) being left to the discretion of the President. The scope of the Pentagon’s offensive BW program continually expanded throughout this period (Wright 1990). Unlike CW though, germ warfare was seen as impractical, and hence treated as a lesser threat. The view that BW was not militarily effective was widely accepted throughout the US Government by the late 1960s. Citing this assessment, Washington formally renounced all methods of biological warfare unilaterally in November 1969. Again unilaterally, the United States invited scientists from other countries to observe the destruction of its BW stockpiles (Sims 1990a). In March 1975, the US informed the CCD in Geneva that it had completed destruction of its BW stockpile, as well as conversion of associated production facilities to peaceful purposes (ter Harr 1991).

BW is the only proliferation area in which the United States does not currently possess the proscribed class of weapons. However, while the US has long renounced BW as an offensive instrument of war, it has almost certainly retained, and even continued to develop, small quantities of weapons agents for defensive research purposes, as permitted by the BWC.

**MTCR-class Missiles**

The US has possessed cruise and ballistic missiles since acquiring German V-1s and V-2s respectively during and after World War II. Ballistic missiles in particular have been at the heart of America’s status as a military superpower since the 1950s. Indeed, its nuclear forces are typically thought of not in terms of nuclear weapons *per se*, but rather their delivery systems (e.g. Minuteman, MX, Trident). Likewise, some of the most important qualitative

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*Some analysts have questioned this public rationale for giving up BW, suggesting instead that President Nixon’s decision was intended to mislead Third World states about the real military efficacy of BW as a bluff to discourage horizontal proliferation (Dando 1994). However, there does not appear to be any solid evidence for this interpretation. Moreover, it seems highly improbable, in light of Washington’s nearly exclusive fixation at the time on the Soviet threat.

*The US Army actually produced 1,400 reversed-engineered versions of the V-1 cruise missile during the war itself (Ranger 1995, Annex 2).*
advances in US nuclear capabilities actually involved missile technology (e.g. MIRVs).

Traditional bilateral nuclear disarmament treaties (e.g. INF, START) have applied primarily to delivery systems. Pursuant to these agreements, the US eliminated its IRBMs beginning in the late 1980s. In the mid-1990s it also began reducing its ICBMs and SLBMs, constraining its nuclear-armed long-range cruise missile inventories, and reducing its SRBMs. It also plans to de-MIRV its ICBMs (but not its SLBMs) when SALT II enters into force.

Despite negotiated reductions in the US missile force, the United States retains a massive missile arsenal – including 1600 strategic-range ballistic missiles; air-, ground-, sea-, and sub-launched long-range cruise missiles; and a variety of tactical missiles – enabling it to hit any target on earth. It also retains a substantial inventory of military and civilian SLVs. Perhaps more significantly, since the Gulf War it has relied increasingly on land-attack cruise missiles as its preferred means for carrying out conventional strikes.

Missiles are the only proliferation area other than nuclear weapons in which the US has pursues anti-proliferation while indefinitely remaining a possessor. It is the only proliferation area in which the United States has not assumed formal obligations to eliminate the applicable class of weapons eventually.

AUSTRALIA

Chemical and Biological Weapons

The Australian nation has manifested a pronounced historical aversion to CW since the harrowing experiences of its forces in World War I. Although in theory until the late-1980s it reserved the right to retaliate against CW attacks in-kind under the 1925 Geneva Protocol, it has not possessed, nor seriously considered trying to obtain, CBW capabilities since at least the Second World War (Beazley tst. 1985; Findlay 1992b; White int.).

Like the United States, Australia did use RCAs in the Vietnam War, consistent with the interpretation of the 1925 Geneva Protocol that it had evinced since at least the 1950s (SIPRI 1976). During the CWC negotiations Australia supported US efforts to preserve the right to use such items under limited circumstances (Cottereau 1991; Findlay 1992a). Although Australia has defensive military programs for CBW, it does not appear to have developed or retained offensive agents in conjunction with these efforts, although this is allowed under existing treaties. However, detailed information about these programs remains classified.

MTCR-class Missiles

Australia does not currently possess any MTCR Category I systems. However, Australia has a longstanding commercial interest in developing a space-port at Cape York in northern Queensland. In the past, it has vigorously sought an American blessing to import Russian ZENIT rockets as part of a joint venture for this purpose (Speier int.). Moreover, the quasi-official Australian Space Council has explicit aspirations to develop indigenous SLV production (DFAT off. n.d.e). Indeed, facilitating access to commercial items and technology appears to have been an explicit motive in Australia’s original
decision to join the MTCR (DFAT off. 1990, 5 October; Jones off. 1990, 5 October.).

In terms of offensive military Category I systems, Australia has expressed interest since the early-1990s in purchasing the American Tomahawk land-attack cruise missile (Mack 1992). Australia currently has no specific plans to pursue such a purchase (Defence off. 1997). At the same time, Defence wants to leave the door open to the possibility in the future, and in recent years has actively sought to resist any diplomatic initiatives that might foreclose this option ([DFAT] int.; [DOD] int.).

Because of these commercial and military considerations, a high priority for Australia in the missile proliferation area throughout the 1990s has been to ensure its own access to relevant technology, in addition to denying access to others. This issue has been one of the few on which senior Defence officials have taken an active interest ([DFAT] ints.; Courtney int.; Dorling int.; White int.). The missile area is unique for Australia in this regard among WMD-related issues.

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7 That said, a knowledgeable official explicitly refutes press reports that Australia is interested in Tomahawk specifically for its troubled Collins submarines, saying that it had always been other platforms that DOD had in mind ([DOD] int.).
APPENDIX 3
UNDERLYING ATTITUDES: OPINION SURVEY

DESCRIPTION AND ANALYSIS

An opinion survey was conducted in conjunction with research interviews of present and former officials in order to ascertain the underlying personal attitudes of relevant officials.¹ Not all interview subjects participated, and some participated only partially. Results are not scientific, since no attempt was made to secure a balanced sample – for example in terms of time period of involvement, issues with which involved, level of responsibility, or agency affiliation – nor alternatively to statistically weigh the results. Nevertheless, the survey provides a general picture of differences in overall national attitudes, as well as differences in attitudes between agencies and levels of involvement. The survey data consistently suggests that the major pattern of national behavioural divergence revealed in the empirical case studies is mirrored in the underlying attitudes of relevant officials.

Question 1 asks officials to assess whether the United States and Australia share the same broad anti-proliferation objectives. Responses show that officials on both sides overwhelming believe this to be the case. Question 2 is designed to reveal bias towards capability-denial versus non-possession norm-building. It asks respondents to make a hypothetical choice between giving up capability-denial or norm-building activities. Responses demonstrate significant national contrasts. However, there is a far greater diversity among officials in different US agencies. Consequently, the overall national contrast is dramatically sharpened when the US agency least favourably disposed (DOD) to norm-building is compared to the Australian agency most favourably disposed to this approach (DFAT).

Questions 3a-b asks officials for their impressions of their own and the other government’s approach to anti-proliferation. Responses indicate that, notwithstanding the strong perception of shared anti-proliferation goals shown in Question 1, officials on each side have very different perceptions of one another’s specific approaches in pursuing these common objections. While responses suggest that US officials tend to be far more critical than their Australian counterparts of their own government’s approach, at the same time both sides reserve their most negative descriptions for the other’s approach. In other words, Australian officials tend to offer overwhelmingly positive descriptions of their own approach and mixed- to-negative sentiments about US attitudes, while US officials offer mixed-to-negative descriptions of their own approach, but nevertheless see the Australian approach more unfavourably.

¹ As noted in Chapter 1, interviews covered nearly sixty present and past officials, ranging in position from desk officers to cabinet ministers. The interview strategy (i.e. interviews sought) for US officials gave the highest priority to cognisant assistant secretaries, deputy assistant secretaries, and office directors (or equivalents) at the State Department, OSD, ACDA, and NSC, as well as senior US negotiators in relevant multilateral fora. Secondary priority was given to more senior and junior officials from these agencies, and officials from other agencies (e.g. Energy, Commerce, intelligence). For Australian officials the highest priority was given to first assistant secretaries, assistant secretaries, and section directors at DFAT, and senior Australian negotiators, with secondary priority assigned to more junior and senior DFAT officials, and officials from other agencies (e.g. Defence, intelligence). This strategy yielded a body of interviews that represents a wide although not complete spectrum of the potential universe of similar participants.
Questions 4a-b asks officials to assess the past and future effectiveness of Western anti-proliferation efforts. Responses reveal that Australian officials are far more optimistic than their US counterparts about the past and future ability of Western efforts effectively to prevent proliferation. This is consistent with the major empirical finding, since only the norm-building approach claims to be able to solve the problem (as opposed to slowing it down, etc.), so that faith in normative responses is inherently likely to be associated with greater optimism than faith in less ambitious denial strategies. Australian officials are also far more likely to distinguish among the different proliferation areas in answering these questions. This is also consistent with the empirical finding, since capability-denial and consequence-mitigation arrangements span all areas equally, whereas treaty-norms vary considerably, with a strong instrument for CW, a weak instrument for BW, and none for missiles.

In addition to quantifiable responses, some unsolicited survey responses anecdotally suggest that officials view the other side's perspectives with a degree of bafflement and/or frustration. For instance, many US officials express astonishment at the extent of Australia's conviction that norms can solve the proliferation problem. For example, a key ACDA official says of Australian views: 'They're much more uniform, but they're idealistic, naive, and simplistic. They think norms really work.' A long-time Pentagon official states that, while the US is happy to have norms underpinning its other efforts, it also recognises that ultimately their effectiveness is limited by cheating, breakout, and non-participation. By contrast, he states: 'Australia has the perspective that if you get the agreement signed, the protocol established, the norm accepted, that's taken care of the problem.' Another Defense official observes: 'Norms are great idealism, but they have little impact when the rubber meets the road.' Even a State Department official favours norm-building in question 2, later expresses concern that many governments exaggerate the ultimate effectiveness of norms, saying: 'It's the same for all these global norms...It's hard to figure someone who's a determined enough proliferator to assemble one of these programs but so law abiding that he'd give it up upon signing a piece of paper.'

From the opposite perspective, many Australian officials seem to regard the United States as mindlessly obstructive in resisting normative initiatives. A very senior and long-serving DFAT official notes that there is a common view among Australian officials 'that we've been out there right in the forefront and the US has been dragged along kicking and screaming.' Another states:

Australia's view has always been vis-à-vis the US position that it's a narrow one because in the end what's going to be able to assist...is going to be normative global arrangements backed up by powerful verification measures, not this sort of global policeman approach with is the alternative.

Interestingly, Australian officials tend to base their views on progress in instituting and strengthening anti-proliferation instruments, whereas US officials tend to base their views on the extent of actual real-world proliferation. This is consistent with what Krause (1992) describes as 'risk oriented' versus 'process oriented' perceptions of nonproliferation.
DATA TABLES

TABLE 1
Q1. In your opinion do the United States and Australia share the same overall goals in these policy areas?

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Some officials have served in relevant capacities at different agencies and/or levels over the period of the study. Such officials are 'double counted' in these categories. Accordingly, the total number of officials shown in the initial columns sometimes is less than the total shown in the level and affiliation columns. Some officials also would not reveal their level, and are therefore not included in the level columns.
TABLE 2

Q2. Hypothetically, if you had to choose, which of the following would you consider to be more important in promoting your country's anti-proliferation goals:

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- Building and maintaining strong multilateral norms against the possession of these weapons
  - 46.5
  - 33.3
  - 30.8
  - 40.0
  - 75.0
  - 15.4
  - 42.9
  - 63.2
  - 66.7

- Preventing specific transfers of these weapons and associated equipment and technology to programs or countries of concern
  - 37.2
  - 58.3
  - 61.5
  - 50.0
  - 25.0
  - 76.9
  - 42.9
  - 75.0
  - 10.5
  - 11.1
  - 10.0
  - 5.6
  - 33.3

- Don't know
  - 16.3
  - 8.3
  - 7.7
  - 10.0
  - 7.7
  - 14.3
  - 25.0
  - 26.3
  - 22.2
  - 30.0
  - 27.8
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Q3a. Thinking back on your experiences as an official working on pertinent issues, how would you describe your impression of the US approach to anti-proliferation in these areas?

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Q3b. Thinking back on your experiences as an official working on pertinent issues, how would you describe your impression of the Australian approach to anti-proliferation in these areas?

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Q4a. Do you believe that efforts by Western states to prevent proliferation over the past 10-15 years have been effective?

| TABLE 5 |
|---------------------------------|---------------------------------|
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TABLE 6

Q4b. Do you believe that efforts by Western states to prevent proliferation over the coming 10-15 years will be effective?

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*Disarmament diplomacy* (1/96-1/98) (News review section)
*New York times*
Reuters wire service (12/97-12/98)
*Sydney morning herald* (1/92-1/99)
*Washington post*
*Washington times*

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a Regrettably some journal articles and chapters obtained via electronic databases or inter-library loan did not include legible page numbers. I apologise for all such omissions.

b Titles/dates shown in brackets represent only directly relevant governmental positions. In a few cases relevant governmental positions deemed to be of a sensitive nature (e.g. intelligence) have been omitted at the interviewee's request. Relevant positions with international organisations (e.g. OPCW, UNSCOM) have been omitted in all cases. Some interviewees (including most currently serving officials) have asked not to be cited directly. Such officials are therefore referred to only by their level and/or affiliation in in-text and parenthetical citations. In some cases even this information is omitted if it is judged likely to divulge the identity of the subject.

c Previously unavailable official documents that have been released for the first time pursuant to this research are identified by an asterisk (*). Titles shown in brackets represent position at the time that the relevant document/publication was promulgated.

d Includes Congressional testimony by current and former US Executive Branch officials only (i.e. not non-governmental experts). Parliamentary testimony by Australian career officials and Parliamentary statements by ministers or their designated representatives. Titles shown in brackets represent position at the time of testimony unless otherwise noted.