

NONPROLIFERATION, BY THE NUMBERS

Henry Sokolski

Second presidential terms, it is said, make first terms look pretty good. A case in point is President Bush's efforts to block the further spread of nuclear weapons. Remarkable nonproliferation successes—including the nuclear disarmament of Libya and Iraq and the enforcement of nuclear export controls—occurred only 36 months after Bush took office. Yet, some of the most self-defeating nonproliferation actions (e.g., overly generous nuclear cooperation with India, weak sanctions against Iran, and winking at potentially dangerous nuclear programs in Egypt, Turkey, Algeria, Tunisia, Morocco, Yemen, and the GCC states) all came after Mr. Bush's reelection.

Three things help to explain this about-face. The first is the international unpopularity of military action against Iraq. The second is the end of the enforcement-focused stewardship of John Bolton as Under Secretary of State for Arms Control and International Security. The final reason has to do with Secretary of State Condoleezza Rice's second-term promotion of "transformational diplomacy," a diplomatic approach that prioritized international foreign policy consensus over the strengthening of nonproliferation. Sadly, the Bush administration's most lasting legacy is likely to be the recent undermining of nuclear rules, rather than the remarkable nonproliferation accomplishments that characterized its first four years in office.



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Enforcing enforceable rules

George W. Bush said little about reducing the threat of nuclear proliferation in his campaign for the presidency in the year 2000. Nevertheless, it was understood that in this arena, his victory would bring major change. His national security advisors—Paul Wolfowitz, John Bolton, Donald Rumsfeld, and William Schneider—all were sharp critics of the Clinton administration’s “Collective Security,” as part of which the U.S. had been willing to give Russia and North Korea, as well as international negotiations on non-proliferation and strategic weapons in general, the benefit of the doubt. Instead, these advisors called for a smaller but modernized American nuclear weapons force, termination of civilian nuclear assistance to North Korea, and withdrawal of the U.S. from the Anti-Ballistic Missile (ABM) Treaty and from talks to conclude a binding inspections protocol for the Biological Weapons Convention (BWC). The overall theme of these recommendations was that the U.S. should stop promoting unenforceable agreements and instead promote U.S. security interests by enforcing only those agreements that were enforceable, even if this required the U.S. to act unilaterally.

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Within 24 months of President Bush’s first inaugural, virtually every one of these recommendations had been implemented. In January 2001, the Bush administration announced its plans to reduce the number of deployed strategic nuclear warheads, but also to modernize America’s nuclear weapons arsenal. That December, it gave notice that it intended to withdraw from the ABM Treaty and from talks to conclude a legally binding inspections protocol to the BWC. Twelve months later, it terminated heavy fuel oil shipments under the Agreed Framework with North Korea and called on South Korea and Japan to suspend further work on two promised light water reactors in the Stalinist state.

In conjunction with President Bush’s rejection of the Kyoto Protocol on Climate Change in July 2001, many political commentators concluded that the Bush administration had simply declared war against international agreements. This view, however, was both wrong and incomplete. It was true that the Bush administration was not eager to jeopardize its strategic freedom of action on any security matter by preemptively submitting to the judgments of other nations. If there was a way to promote U.S. security interests without seeking prior international consensus, that way should be tried first, the thinking went. At the same time, however, the Bush administration was adamant that the U.S. should push the enforcement of whatever existing trade or security treaties were enforceable. Indeed, this last point became a trademark of John Bolton, who had assumed the portfolio of Under Secretary of State for Arms Control and International Security. Thus, it was Bolton who oversaw the creation of a new

bureau at the State Department—the Bureau of Verification and Compliance—dedicated to monitoring and enforcing existing arms control and nonproliferation understandings. Bolton also was one of the first senior American officials to talk publicly about the need to identify violators, identifying several himself at the Biological Weapons Convention Review Conference.

Similarly, it was Bolton who argued that North Korea was in “anticipatory breach” of its international nuclear inspections pledges under the 1994 Agreed Framework. It also was Bolton who laid the foundation in 2003 for the Proliferation Security Initiative (PSI), a set of principles by which nations could increase the level of information sharing and enforcement of their own national and international export control efforts—to give the controls of the Nuclear Suppliers Group, the Australia Group, and the Missile Technology Control Regime (MTCR) greater international enforcement teeth. In addition, his office made most of the key nonproliferation arguments for taking a tough stance against continued Iraqi and Iranian noncompliance with United Nations Security Council Resolutions and IAEA inspection requirements. He was particularly skillful in making economic arguments detailing how wasteful and unprofitable Iran’s nuclear program was for generating electricity.

Bolton, however, did not simply serve as an Administration hit man. For example, when career diplomats at the State Department had given up trying to secure passage of UN Security Council Resolution 1540—an appeal that included getting nations to tighten their controls over nuclear materials and exports—Bolton personally took on the challenge and

succeeded privately in persuading the Chinese and Russians to back the measure.

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At about the same time, Bolton and the National Security Council staff also got the President publicly to back a series of new nonproliferation proposals. The most important of these was to tighten the Nuclear Non-Proliferation Treaty (NPT). In a speech before the National Defense University in February 2004, President Bush complained that Iran and North Korea had “cynically manipulate[d]” the terms of the NPT by coming within weeks of getting nuclear weapons by claiming they were developing “peaceful nuclear energy.”¹ Nations, he noted, could develop peaceful nuclear energy without making their own nuclear fuel. Twisting the NPT into an authorization to engage in this dangerous activity, Bush insisted, had to stop. In response, he proposed that all nations that did not yet have a commercial nuclear fuel-making venture allow those already making fuel to supply their needs. Only months later, the G-8 endorsed this idea, calling for a one-year moratorium on enrichment and reprocessing exports.

Finally, Bush’s tough enforcement policy was made manifest in his approach to disarming Libya. At the time of America’s 2003 victory over the Iraqi army, Muammar al-Gaddafi began negotiations with England and the U.S. to give up his chemical, biological, and nuclear weapons-making capabilities. Rather

than simply demand that he terminate these programs unilaterally, the Bush administration chose to use the modalities of the BWC and Chemical Weapons Convention, the NPT, and the MTCR. Libya, as a result, was able to give up its strategic weapons programs without appearing to be surrendering its sovereignty or honor: Gaddafi simply claimed that his country was living up to its international arms control obligations.

The cost of Iraq

Although America's invasion of Iraq helped secure Libya's remarkable disarmament, it also was politically costly for nonproliferation. The key public argument for invading Iraq—made by Administration officials at the United Nations and before the U.S. Congress—was that the regime of Saddam Hussein was defying UN demands for weapons of mass destruction dismantlement and inspection pursuant to UNSC resolution 687 (1991). Time, it was argued, was of the essence: Saddam already had chemical and biological weapons and in time would reconstitute his nuclear weapons and long-range missile programs. What also gave urgency to the use of force was the fear that Saddam might transfer his chemical or biological weapons to terrorists following the attacks of September 11, 2001.

This concern was fueled by more than idle conjecture. On October 11, 2001, the Central Intelligence Agency privately briefed President Bush on a credible intelligence report that al-Qaeda had smuggled a 10-kiloton nuclear weapon into New York City. President Bush took this report seriously, and ordered Vice President Cheney—along with several hundred federal officials—to leave Washington for a safe location to assure con-

tinuity of government if New York or Washington were hit. The president also directed the Department of Energy to send squads of nuclear engineers and scientists (known as Nuclear Emergency Support Teams) to New York to try to find the device. As it turned out, the report was a false alarm, but the worry was very real. And Iraq, in the eyes of the Administration, was the most likely future source of such technology.²

From then on, all intelligence on Iraq was viewed through this lens. As Vice President Cheney explained on national television shortly before the U.S. and the United Kingdom attacked Iraq:

We saw on 9/11 19 men hijack aircraft with airline tickets and box cutters, kill 3,000 Americans in a couple of hours. That attack would pale into insignificance compared to what could happen, for example, if they had a nuclear weapon and detonated it in the middle of one of our cities... But we also have to address the question of where might these terrorists acquire weapons of mass destruction, chemical weapons, biological weapons, nuclear weapons. And Saddam Hussein becomes a prime suspect in that regard because of his past track record and because we know he has, in fact, developed these kinds of capabilities... We know he's out trying once again to produce nuclear weapons and we know that he has a long-standing relationship with various terrorist groups, including the al-Qaeda organization.³

Saddam's development of nuclear weapons, Mr. Cheney went on to explain, was the most important reason for invading Iraq. As for the assessment made at the time by International Atomic Energy Agency (IAEA) Director General Mohamed

ElBaradei, that Iraq did not have a nuclear weapons program, Mr. Cheney was dismissive:

I was told when I was defense secretary before the Gulf War that he [Saddam] was eight to 10 years away from a nuclear weapon. And we found out after the Gulf War that he was within one or two years of having a nuclear weapon because he had a massive effort under way that involved four or five different technologies for enriching uranium to produce fissile material. We know that based on intelligence that he has been very, very good at hiding these kinds of efforts. He's had years to get good at it and we know he has been absolutely devoted to trying to acquire nuclear weapons. And we believe he has, in fact, reconstituted nuclear weapons. I think Mr. ElBaradei frankly is wrong. And I think if you look at the track record of the International Atomic Energy Agency and this kind of issue, especially where Iraq's concerned, they have consistently underestimated or missed what it was Saddam Hussein was doing. I don't have any reason to believe they're any more valid this time than they've been in the past.⁴

At the time, all of these points seemed sensible. Certainly, Mr. Cheney and the Bush administration were concerned that the risks in assuming that the IAEA's assessment was correct were far greater than emphasizing U.S. intelligence analyses that suggested that Saddam's nuclear program was still active and could quickly be reconstituted. They also were anxious to enforce the UN resolutions that Saddam had defied on at least 17 separate occasions. For these reasons, the U.S. went so far as to have Secretary of State Colin Powell lay

out what U.S. intelligence knew about Saddam's strategic weapons program before the United Nations Security Council. Subsequently, when Saddam again failed to comply fully with United Nations dismantlement resolutions, the U.S. and its partners went to war. For the first time in history, a major power led a coalition against a state to prevent it from acquiring strategic arms.

There was only one problem. After the war, firm evidence that Saddam had much of an active nuclear weapons program (or, for that matter any strategic weapons programs) turned out to be virtually nonexistent. These revelations, and the violence of the war itself, in turn, encouraged two very negative nonproliferation results. First, the admissions concerning Saddam's strategic weapons programs seriously undermined the credibility of all future nuclear proliferation reports from the U.S. or its closest partners. Indeed, after Iraq, few, if any, nations were willing to take U.S. proliferation intelligence as a call to action. Second, having seen what the U.S. was willing to do to stop states from going nuclear, several nations, including those having the most damaging proliferation intelligence, now had even greater cause to withhold what they knew.

These negative trends, unfortunately, were only strengthened by North Korea's surprise announcement in October 2002 that it had a covert uranium enrichment program. Its withdrawal from the NPT shortly before the invasion of Iraq, and America's subsequent passivity toward Pyongyang, only further fueled the international impulse to inaction against suspect proliferators.

Because the IAEA's charter requires the agency to inform the United Nations Security Council of

possible violations of the NPT, the IAEA Board of Governors sent a non-compliance report to UN headquarters February 12, 2003. The White House, however, was preoccupied with its war preparations against Iraq. As a result, Washington consciously chose to do little to encourage the Security Council to proceed on the IAEA report. And, in a step that would all but assure removal of the report from the Security Council's active agenda, Washington in April of 2003 announced three-party talks between the U.S., North Korea, and, China.⁵ The net effect was to deprive the IAEA's reporting of much standing—leaving the agency demoralized.

The twelve months following Mr. Bush's reelection in 2004 saw two major changes that dramatically altered the Administration's approach to nuclear nonproliferation. The first was the emergence of a State Department effort at international consensus-building, called "transformational diplomacy." The process began with the departure of Colin Powell and his replacement as Secretary of State by Condoleezza Rice early in 2005. The second was the departure of John Bolton from the State Department in the fall of 2005 to serve as U.S. Ambassador to the United Nations.

This new pessimism on the IAEA's part was soon reflected in the agency's handling of Iran. In December 2002, an Iranian dissident group revealed the location of a large undeclared Iranian uranium enrichment

site.⁶ What followed were exhaustive IAEA inspections and revelations confirming that Iran had indeed violated its nuclear safeguards agreement with the IAEA and had done so repeatedly for nearly 18 years. Among the discoveries made by IAEA inspectors were that Iran had experimented with polonium and beryllium (materials critical to initiating a nuclear weapons device); covertly enriched uranium and separated plutonium (the two key materials needed to fuel a bomb); obtained drawings on how to cast the sphere necessary to make nuclear weapons; and lied to IAEA inspectors about the importation of uranium enrichment-related commodities (misleading the agency to believe that Iran's program was entirely indigenous when it clearly was not). Finally, Iran had kept IAEA inspectors from visiting suspect sites until after it had entirely dismantled the facilities.

But, rather than report these infractions to the UN Security Council, as it had in 1993 and 2003 with North Korea, the IAEA was much more hesitant. The agency's Director General and Board of Governors recognized Iran had breached its NPT safeguards obligations, but argued that it actually had a right under the treaty to make nuclear fuel. The IAEA board then went on to note that Iran's safeguards breaches were in the past and characterized them as "failures to report" rather than as clear safeguards violations. In any case, the IAEA Director General insisted that he had no proof that any special nuclear material in Iran had, in fact, been diverted to a nuclear weapons program.⁷ Iran's past infractions and continuing lack of full cooperation with the agency, of course, warranted concern, but agency officials were optimistic that, with further direct

negotiations, such cooperation would be forthcoming.

Shifting gears

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The White House encouraged Powell to leave the State Department in part because of his perceived lack of enthusiasm for the war in Iraq. This complaint had merit; the Administration had asked Powell to go to the United Nations to make a number of claims about Saddam's weapons of mass destruction programs, each of which proved to be wrong. As the French, Germans and many other European allies harped on these errors, international support for the war and Iraq's reconstruction declined. Powell wanted out.

As the Spanish, Italians, Poles, Dutch, Hungarians, Ukrainians, Japanese, and New Zealanders all announced plans for troop withdrawals from Iraq in 2005, and the Iranian and North Korean nuclear headaches continued to grow, senior State Department officials redoubled their efforts to reverse American losses in Iraq in two ways. First, they were anxious to find some major new country that might back American policies. Second, they were eager to

foster consensus with our Asian and European allies on disarming and sanctioning North Korea and Iran.

These ambitions were made manifest in several ways: a full-court press to offer India a series of inducements to "partner" with the U.S.; a clear willingness to show more flexibility in the Six-Party talks with North Korea; a major effort to "get to yes" with the European Union and Russia on sanctioning Iran; and a public effort to explain all of this as "transformational diplomacy."

In the case of India, the State Department under Bolton had traditionally resisted loosening missile and nuclear technology controls simply to improve U.S.-Indian relations. The Indians wanted the U.S. to approve the transfer of U.S. technology contained in the Israeli Arrow ballistic missile interceptor. The Arrow, however, was over the Missile Technology Control Regime range-payload limits. Indian proliferation controls were anything but tight, and there was no way to approve the transfer without igniting yet another round of arms demands from Pakistan. As a result, Bolton blocked the transfer.

Now, however, the administration was anxious to get New Delhi to send troops to bolster the coalition in Iraq. To this end, U.S. officials began official discussions in the late fall of 2002 with India on how the U.S. might increase India's access to controlled U.S. defense, rocket, and nuclear technologies. India would not bite. In July 2003, New Delhi officially opposed sending any of its military forces to Iraq and pledged only token amounts toward Iraq's reconstruction. Still, U.S. officials assigned to woo India pressed on. It was in America's interest, they argued, to keep India from getting any closer to Iran (India had signed a strategic

cooperation agreement with Tehran in January 2003, and was discussing several massive energy deals). They also argued that U.S. security interests would be served simply by having India grow as a strategic counterweight to China, and that the best way to secure this was to help India become a major power as soon as possible.

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The net result was President Bush's January 12, 2004, announcement of a series of joint U.S.-Indian working groups designed to develop the "Next Steps in Strategic Partnership." Again, the key theme was to explore how the U.S. might make more U.S. defense, nuclear, and space-related technology available to India. What is stunning about President Bush's announcement was that it came without a demand for any clear *quid pro quo* from India. The talks, in short, had taken on a momentum of their own.

The culmination was the spectacular announcement made by President Bush and Prime Minister Singh on July 18, 2005, that the U.S. had agreed to allow India access to advanced nuclear, missile, and defense technologies. The statement also made it clear that the White House would do all it could to make a clear exception for India—a nation that had never signed the NPT, had refused to allow all of its nuclear facilities to be open to international inspection, had violated its bilateral pledges to the U.S. and Canada not to use civilian nuclear assistance to make bombs, had detonated nuclear weapons twice, and had allowed Indian entities to trade in controlled nuclear and chemical weapons-related goods with Iran. All of which raised the question: how might this be done without blowing a fatal hole through the very nuclear rules the administration had been so adamant about enforcing against Iran and North Korea?

The India nuclear deal, Administration critics argued, was deeply flawed: India, which never played by the rules or signed on to the NPT, was now being given all the benefits associated with states that had. Indeed, the U.S. appeared to be giving India privileges that even nuclear weapons states under the NPT did not enjoy.

Iran picked up on all of these points. Throughout 2005 and 2006, Iran noted that it was a member of the NPT, had opened all of its nuclear facilities to nuclear inspections, and had not acquired or tested nuclear weapons. Yet, despite this, the U.S. was trying to deny Iran its "inalienable right" to develop "peaceful nuclear energy." At the very least, Iranian officials complained, their country deserved to be treated as well as India.

The White House's rejection of Iran's complaint came swiftly, but was modulated by Secretary Rice's new diplomatic assignment to work with as many countries as possible, including our European allies, to promote democracy in the Middle East and beyond. Thus, as Secretary Rice explained to Congress, the two situations were very different; India was "open and free... transparent and stable;... [a] multiethnic... multi-religious democracy that is characterized by individual freedom and the rule of law." In stark contrast, Iran was "unstable" and "non-democratic."⁸ Also, Secretary Rice noted, Iran was in violation of its IAEA nuclear safeguards obligations, whereas India was allowing the IAEA to inspect more of India's reactors and "was increasingly doing its part to support the international community's efforts to curb the dangerous nuclear ambitions of Iran."

It was this same approach that the White House took in dealing with Russia, the EU and Iran. Before Under Secretary Bolton's departure from the State Department, the U.S. opposed Russia's completion of the large light water reactor at Bushehr. The reactor would require tons of fresh fuel to be on hand and would produce tons of spent fuel containing large amounts of weapons-usable plutonium. As a practical matter, leaving this material in Iranian hands for any amount of time meant Iran could accelerate a bomb program significantly. Unless and until the world could be convinced that Iran did not have any such plants or weapons development intentions, letting Iran bring Bushehr online was viewed as too risky.

The EU and Russia, however, did not agree. They were preoccupied with getting Iran merely to stop

developing its one known enrichment plant at Natanz. If the U.S. were serious about "working with many partners," Russia and the EU made clear, the White House would have to give in on Bushehr.

The White House relented. Late in 2005, National Security Advisor Stephen Hadley awkwardly briefed the press about America's willingness to recognize Iran's right to operate Bushehr and make nuclear fuel, but wanted to give Iran an incentive to "give up that right in terms of its own territory" by having Russia serve as Iran's nuclear fuel supplier. Not long thereafter, the White House also announced that it would sell civilian aircraft parts to Iran and allow it to join the World Trade Organization as part of an effort to get it to freeze its nuclear enrichment efforts.

This effort, however, has gone nowhere. To date, Iran has frozen nothing and only weak international sanctions have materialized. Worse still, these measures have effectively grandfathered Russia's completion of Bushehr—a dangerous development. Iran's nuclear progress, meanwhile, has become something of a model for Egypt, Turkey, Yemen, Tunisia, Morocco, Algeria, and the GCC states (including Saudi Arabia), all of which have announced that they too now want to pursue development of "peaceful nuclear energy."⁹

What remains

This brief discussion of the Bush administration's efforts is hardly complete. Nothing, for example, has been said about President Bush's almost unbounded enthusiasm for subsidizing nuclear power. Mr. Bush sponsored and signed the nuclear provisions of the Energy Act of 2005, which provides for \$10 billion in subsidies for the first four to six new U.S.

reactors. In 2006, the President also launched the Global Nuclear Energy Partnership (GNEP)—a 30- to 50-year, \$30-billion-plus U.S. initiative to create entirely new types of reactors and nuclear fuel-making and waste management processes. Both of these efforts have been controversial; GNEP, which endorses the reprocessing of nuclear fuels (a process that can bring nations within days of acquiring nuclear weapons), has been particularly contentious among non-proliferation proponents.¹⁰

All of this has undermined the economic arguments made by the White House during Bush's first term against Iran and North Korea's "peaceful" nuclear programs. It also has encouraged nations that did not have nuclear programs or nuclear fuel-making operations to announce their interest in developing them.

What will happen in the remaining months of the Bush administration remains to be seen. The key elements of Bush's nuclear proliferation legacy, however, are already clear. Certainly, the first term nonproliferation accomplishments of his Administration are already to be counted among the most notable in the history of America's efforts to curb nuclear proliferation. Unfortunately, his efforts to share nuclear technology and to "get to yes" with our allies over how to address the Iranian and North Korean nuclear threats are likely to be viewed as being at least as important.



1. President George W. Bush, Remarks before the National Defense University, Washington, D.C., February 11, 2004, <http://www.whitehouse.gov/news/releases/2004/02/20040211-4.html>.
2. See Graham Allison, *Nuclear Terrorism: The Ultimate Preventable Catastrophe* (New York: Times Books, 2004), 1-4; see also Stephen F. Hayes, "The Connection: How al Qaeda's Col-

laboration with Saddam Hussein Has Endangered America," *Weekly Standard*, June 7, 2004, 37; and Bob Woodward, *Bush at War* (New York: Simon & Schuster, 2002), 45.

3. Interview with Vice President Dick Cheney, *NBC "Meet the Press,"* March 16, 2003, <http://www.mtholyoke.edu/acad/intrel/bush/cheneymeetthepress.htm>.
4. *Ibid.*
5. These talks would later expand into the six-party talks, incorporating Japan, South Korea and Russia.
6. John J. Lumpkin, "Iran's Nuclear Program Growing at Secret Sites, Rebel Group Alleges," Associated Press, August 14, 2002.
7. U.S. officials and the IAEA board of governors chose in 2004 and 2005 to use this same line of reasoning to decide not to forward reports of safeguards infractions by South Korea and Egypt to the UN Security Council. U.S. officials backed this position, arguing that it made little sense to report these cases to the UN if the IAEA board of governors were not yet ready to do so in the much clearer case of Iran. A minority of officials within the State Department, however, insisted that it would be much more difficult to get the IAEA to report Iran to the UN if it were not pushed to report Egypt and South Korea, since both of these nations were far less suspect in the development of a serious nuclear weapons option.
8. Secretary of State Condoleezza Rice, Opening Remarks before the Senate Foreign Relations Committee, April 5, 2005, <http://www.state.gov/secretary/rm/2006/64136.htm>.
9. See Karl Vick, "Energy, Iran Spur Turkey's Revival of Nuclear Plans," *Washington Post*, March 7, 2006; "Egyptian President's Son Proposed Peaceful Nuclear Program," *International Herald Tribune*, September 20, 2006; Richard Beeston, "Six Arab States Join Rush to Go Nuclear," *Times of London*, November 4, 2006; "Yemen Seeks Nuclear Tech," *Al-Jazeera* (Doha), December 30, 2006.
10. See, for example, Edwin Lyman, "The Global Nuclear Energy Partnership: Will It Advance Nonproliferation or Undermine It?" Union of Concerned Scientists policy paper, n.d., <http://www.npec-web.org/Frameset.asp?PageType=Single&PDFFile=20060700-Lyman-GNEP&PDFFolder=Essays>.