

**Testimony of Deputy Assistant Secretary of Defense
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Before the Subcommittee on International Security, Proliferation, and Federal Services
of the Senate Committee on Government Affairs

Strengthening Multilateral Non-Proliferation Regimes

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Chairman Akaka, Senator Cochran, Members of the subcommittee:

As requested, today I will provide the view of the Department of Defense regarding the effectiveness of current multilateral non-proliferation regimes and organizations in preventing WMD and missile proliferation, and how these regimes and organizations fit into the Administration's broader strategy to combat proliferation and terrorism. I will discuss some of the emerging trends that we are witnessing and how these regimes and organizations are able, or unable, to address such developments. I will then conclude with a look at where we should go from here – in terms of steps that need to be taken to halt the spread of WMD and missile proliferation, and in terms of what current realities require of us if we are to prevail in the war against terror and in our quest to ensure that these weapons are not used against our citizens, troops, friends and allies.

The WMD/Terrorism Threat

I will start by characterizing the growing WMD threat as best I can. In terms of the terrorist dimension to the problem, we see an alarming pattern developing. With increasing frequency since the mid-1980s, we have seen a steady growth in the awareness of, and interest in, WMD by terrorist groups. These groups are aggressively trying to procure the necessary materials to conduct such an attack. For instance, Osama bin Laden has publicly announced his WMD aspirations, and has likened the acquisition of use of these weapons to a religious duty.

Our friends and allies have, on several occasions, thwarted WMD acquisition efforts, whether we are talking about cyanide smuggling or trafficking in radiological materials. A few months ago, for instance, a terrorist cell was caught with a cyanide compound and a map of the U.S. embassy in Rome. Though we have had some important success, we know we are not completely blocking WMD procurement efforts by terrorist organizations.

Part of the problem is that much of the equipment used to make and deliver WMD is commercially available from a large number of sources. It is very difficult to track dual-use technology and to stop it from falling into the wrong hands. The manufacturing equipment is generally small, and portable. It is easily concealed. For instance, this hearing room is big enough to house a complete nerve agent production plant. Even less space is needed to make biological weapons.

I note that the Japanese group -- Aum Shinrikyo -- produced Sarin for its nerve gas attack in the Tokyo subway in a bathroom. Further, the Aum's production complex was built in plain view, and looking like a common warehouse from the exterior. There really were not any tell-tale signatures to indicate what was happening inside their complex.

Likewise, terrorist groups have both used, and are interested in, a variety of delivery mechanisms for their WMD, again many of which can be constructed or adapted from commonly-available materials or systems, such as pesticide sprayers. There are, in short, seemingly infinite ways that a determined terrorist groups could conduct a WMD attack. As you can see, it is difficult to combat the spread of this capability through multilateral arms control instruments such as treaties, or export control regimes, though we believe that these regimes are generally helpful to the overall effort to block proliferation.

Terrorist WMD aspirations and threats are receiving a high degree of attention from the Bush Administration because the results of a WMD attack by terrorist groups, or by countries, could be catastrophic. Moreover, as these groups gain greater understanding of chemical and biological processes, and as they gain greater access to materials and equipment, the lethality of their efforts could multiply many-fold.

We are particularly intent on ensuring that these groups are not able to obtain highly contagious pathogens such as Smallpox. The results of a smallpox release in the United States or Europe would be catastrophic.

Giving added impetus to our efforts is the variety of excellent work being done by the medical and academic community regarding the unconventional threats we now face. In particular, I would like to direct the attention of the subcommittee to the work done by Johns Hopkins University in the recent exercise called "Dark Winter."

The scenario was based on terrorist release of smallpox in three separate locations within the United States. Senior U.S. officials and leading scientists participated in this exercise. Their conclusions and the projected results of this WMD attack are alarming.

Within 22 days, smallpox spread to 26 states, with nearly 6000 new infections occurring daily. This would completely overwhelm the U.S. public health system. All of our vaccine stocks would be depleted within days. Inter-state commerce would come to a complete halt, and the economy would collapse. By the end of 2 months, under a worst-case scenario, 1 million would be dead, and 2 million more infected. If you apply the same model to Europe, with higher population density, the effects of a smallpox attack would be even worse.

In addition to the fact that many terrorist groups are now known to harbor WMD ambitions, there is another worrisome linkage.

Every country that is a "state-sponsor" of terrorism also is pursuing its own, national-level WMD and missile programs. In other words, every country that harbors, funds, or otherwise assists terrorist groups as a matter of government policy also -- as a matter of policy -- is pursuing nuclear, chemical, or biological weapons and missile systems to deliver these weapons.

As the Department of State's *Patterns of Global Terrorism* annual assessment for 2001 indicates, countries such as Iran and Syria continue to support terror groups such as Hamas, Hizballah, and Palestinian Islamic Jihad, and other groups such as the PFLP-GC. Some of the groups, like Hamas, are exploring ways to utilize WMD. Hamas is working with poisons and chemicals and an effort to coat suicide bomber fragments. At the same time, both Iran and Syria themselves have robust chemical warfare programs, and both are exploring biological weapons. Both countries can deliver these weapons by a variety of means, such as via short-range missile systems such as SCUDs, or artillery shells, and Iran is making strides in developing the Shahab-3 and longer-range missiles. We also believe that Iran is aggressively pursuing nuclear weapon, and we are concerned that the Bushehr nuclear power project is, in reality, a pretext for the creation of an infrastructure designed to help Tehran acquire atomic weapons.

As an aside, I note that Iran is flaring off six times as much natural gas as any other country. The gas they are wasting has three times the energy value of the Bushehr reactor (3000 Megawatts versus 1000 MW). If Tehran's agenda were truly to improve its energy reserves, it would just spend a fraction of the money it is spending on Bushehr and generate three times as much power by simply capturing the natural gas it is wasting.

The same worrisome linkage exists in other terror-abetting countries. Cuba, for instance, has a limited developmental research effort relating to biological weapons, and also harbors terrorist groups such as the Basque separatist ETA and FARC and ELN operatives.

Iraq, which stands in violation of numerous Security Council resolutions and which expelled international weapons inspectors several years ago, is believed to be rebuilding its WMD infrastructure. After the Gulf War, it was discovered that Iraq had made substantial progress in the development and weaponization of a number of chemical and biological substances, and had progressed from rudimentary chemicals and pathogens to exploring more complex and

dangerous capabilities. The IAEA also discovered that Iraq had engaged in a crash nuclear program using a variety of conventional and unconventional approaches to acquiring fissile material. On the terrorism side, Iraq today continues to harbor several terrorist organizations and provides bases of operation for groups such as the PKK, MEK, Abu Nidal, and the Palestine Liberation Front.

The linkage between terrorist groups with WMD aspirations, and countries that have their own aspirations, concerns us for several reasons.

First, these countries give wide latitude to terrorist groups that operate within their borders. Terrorists are able to establish training and research camps where they are free to develop WMD and to perfect their plans for delivery. As we learned with Aum Shinrikyo, it is hard enough to spot these groups when they are operating in an open society. It is exponentially harder to learn what these groups are up to when they are operating in a closed system, such as in Iran or Iraq.

There also is a very dangerous potential that equipment and expertise meant for a state-level program could fall into the hands of terrorist groups, either unintentionally, or by design.

Finally, we are worried by the potential for a country such as Iraq to use terrorist networks to conduct a WMD attack. One major problem with WMD terrorism is that it can be very difficult to detect an attack in time to mitigate its consequences. Another serious problem is determining who is behind an attack, as we have discovered in connection with the anthrax attacks in the United States.

Assessment of Nonproliferation Regimes

President Bush has placed a high priority on combating the spread of WMD and their delivery systems. Proliferation, and the fact that several nations and terrorist groups either possess or are striving for WMD and missile systems, is a central security threat facing the United States and the international community. In parallel, the war on terrorism requires, inter alia, that we work actively to deny states that sponsor terrorism and terrorist groups access to these weapons.

We have moved rapidly to counter imminent terrorist threats and to identify and thwart future ones. In countering these urgent threats, President Bush has stated that traditional Cold War concepts, such as deterrence and containment, may no longer be appropriate in every situation. The international security situation has changed, and we must adapt our nonproliferation and defense strategies to recognize these changes.

The evidence uncovered in Afghanistan, that Al Qaida was seeking weapons of mass destruction and that scientists from other countries were willing to assist them in their efforts, is only the most recent and vivid illustration of the need to maintain and strengthen international controls over such weapons and their related technologies. This evidence also highlights the need for the U.S., and the international community, to develop and implement a robust strategy to eliminate the threat posed by the proliferation of WMD to state sponsors of terrorism and the terrorist groups that they support.

Over the last 50 years, we have achieved important success in stemming the proliferation of WMD through a variety of mechanisms, ranging from treaties to multilateral technology control mechanisms such as the Australia Group and the Missile Technology Control Regime. Domestic export controls and transshipment laws and regulations designed to control the movement of sensitive goods and technologies are also important.

That said, while the traditional nonproliferation policy instruments the US has used to combat the proliferation of WMD – international treaties, multilateral export control regimes, U.S. export controls, and security assistance to other countries – continue to have value in the collective international nonproliferation framework, they also have limitations. One of the limitations is enforceability. At this stage, for instance, several countries such as Iran, Iraq, Libya, and Cuba seem able to violate their obligations under treaties such as the Biological Weapons Convention with relative impunity. The United States continues to employ treaty compliance as an issue at the annual or biannual review conferences

associated with these treaties and regimes.

In the case of multilateral export control regimes – MTCR, AG, NSG, Wassenaar –which are voluntary, non-binding agreements, an underlying assumption has been that the members are “like-minded” and would implement the voluntary controls in a like-minded fashion. Unfortunately, in some instances, that has not always been the case.

Domestic export control laws and multilateral export and transshipment controls continue to be vital to the success of U.S. and international nonproliferation efforts. Proliferant countries continue to seek raw materials and dual-use technologies from Western sources, and we have been able to hold in check the WMD and missile aspirations of several nations by working with our allies. There is no better illustration of the benefits of multilateral cooperation than the fact that many of the missile systems we are facing today are based on older Soviet SCUD technology, rather than advanced Western propulsion and guidance systems. We have been able to keep much of this technology out of the hands of hostile governments, and – as a result – they are working with less optimal technologies. The caveat to this example is, however, that both Russian and Chinese firms continue to sell missile technology and dual-use materials to states of concern which is enabling those nations to overcome developmental hurdles and to build more sophisticated longer-range missile systems.

Moreover, with the global economy becoming more and more interconnected, dual-use items and technologies used to develop weapons of mass destruction cannot be effectively controlled without cooperation among exporting and transit countries. Moreover, export and transshipment controls are only as good as the capability of those who adopt such measures to enforce their laws and regulations. This is an area where the Department of Defense sees an opportunity for improvement. We need to look at ways to bolster our interaction and cooperation with key transit countries, most of whom are friendly to the United States but who lack the technical capacity and training to monitor and seize dangerous cargo. The Bush Administration has placed a priority on working with several of these transit countries, and we have had several important successes that I would be happy to discuss in a different setting. We have concluded, on the basis of our experiences to date, that there is a great opportunity presented by working with these like-minded nations.

There is a growing recognition by the international community that all states benefit from curbing WMD and WMD-related technology proliferation, and that our friends and allies must contribute to the effort by ensuring that their territory is not misused by those seeking to acquire WMD. The Missile Technology Control Regime, the Nuclear Suppliers Group, and the Australia Group have all initiated diplomatic outreach programs and workshops on export controls with non-member states to help them understand priority nonproliferation concerns and encourage them to adopt effective laws and regulations to control the movement of sensitive goods and technologies from and through their territory. Again, this is a promising area in which we should concentrate our efforts.

We also need to work on countering the ability of WMD states and terrorist organizations, denied an item by one country, to obtain the same item from other sources outside the reach of traditional nonproliferation treaties and regimes. Today, the know-how required for the development and production of weapons of mass destruction is increasingly available to those who seek it, and in some cases is just a “click” of the computer mouse away. As a result of increased economic interaction and advances in information and communications technology, it is now easier than ever before to transfer sensitive technology around the globe, and more difficult than ever to monitor or control such transfers. In addition, proliferant countries have become much more sophisticated and covert in their acquisition efforts. They are increasingly able to obtain more advanced technology from non-Western sources, diversifying their existing arsenals, improving delivery systems, and becoming more self-sufficient in the development and fabrication of WMD components. We recognize this fact, and are working on ways to counter it.

Even more troubling, we are seeing new patterns of WMD-related trade developing that existing -export control regimes are currently unable to address. Increasingly, trade in WMD and missile related items is occurring between countries outside the regimes. The very success of the non-proliferation regimes over the last 50 years has had the unintended consequence of creating a lucrative “black market” in WMD technology. Some key supplier countries, such as China and North Korea, operate outside of multilateral export control regimes. Moreover, states of concern, such as Iran, are becoming more and more self-reliant and becoming suppliers themselves. Their growing indigenous production capability allows them to fabricate what they previously had to import. There is also the new trend of “secondary

proliferation,” i.e. former importers are now becoming exporters to other states of concern. And, most troubling of all, is the nexus that I have described between WMD, state-sponsors of terrorism, and terrorists seeking WMD capabilities.

As a result, the threat posed by proliferation today is diverse, unpredictable, dangerous, and increasingly difficult to counter using traditional nonproliferation approaches. Today’s threat, unlike during the Cold War, is shaped by state and non-state actors, including radical extremists, who operate outside the boundaries of international law.

The potential for terrorists and other non-state actors gaining access to WMD capabilities has dramatically raised the cost of failing to contain proliferation. The world has already witnessed the use of chemical and biological agents by terrorist organizations and by states that sponsor terrorism.

The Rajneeshees cult poisoned a salad bar with salmonella in Oregon State in 1984; Aum Shinrikyo released sarin gas in the Tokyo subway in 1994; Iraq used chemical weapons against Iran during the 1980-88 Iran-Iraq war, and cold-bloodedly gassed its own citizens of Kurdish descent in the spring and summer of 1988.

The next terrorist attack against the U.S. could involve the use of a nuclear weapon, or involve a major chemical, biological, or radiological attack – by conventional or unconventional means. These threats highlight the need for the U.S., and the international Community, to develop a more robust and effective nonproliferation strategy. To be effective, our strategy must encompass a broad range of policies and programs, including proactive measures.

Next Steps

But while the dangers from proliferation are growing, the U.S. and the international community are formulating ways to improve their ability to deal effectively with these threats. We will continue to use existing diplomatic and economic tools to engage with countries involved in proliferation activities to urge them to constrain, halt, or reverse those activities. And we will continue to work with and assist friends and allies to develop and implement their own domestic export controls to deny proliferators access to the necessary equipment, materials, and technology related to WMD. But to meet the threat head on and stop it will require a new definition of nonproliferation, a stronger global nonproliferation architecture, and strenuous national efforts.

On the international front, we need to expand and enhance enforcement of existing international nonproliferation treaties and regimes. This includes adoption of the IAEA Additional Protocol by all member states party to the Nuclear Non-Proliferation Treaty, and insistence that all states fully comply with their obligations under that treaty and other treaties, such as the Chemical Weapons Convention, and the Biological Weapons Convention. “Naming names” is a powerful diplomatic tool and we will continue to “name names” at Review Conferences for these treaties as well as publicly.

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The U.S. also has proposed an amendment to the 1988 Suppression of Unlawful Acts against the Safety of Maritime Navigation (the “SUA Convention”) to cover a wider range of additional offenses, including terrorist acts. Initially, the SUA Convention was designed to ensure that individuals who commit acts of terrorism that endanger the safe navigation of a ship, or endanger a person on board, are either prosecuted in the state in which they are found, or extradited to another state for prosecution.

The proposed amendment adds a provision making it a criminal offense to carry or transport, or cause to be carried or transported, items in violation of the Chemical Weapons Convention (CWC), the Nuclear Non-Proliferation Treaty (NPT), and the Biological Weapons Convention (BWC). If adopted, the proposal would effectively transform the SUA Convention from an after-the-fact extradite or prosecute treaty to a proactive treaty where military forces could board ships in international waters if they were carrying items in violation of the CWC, NPT, and BWC. The scope of activity envisioned goes well beyond what traditional law enforcement agencies can provide. In fact, in order to be effective, the proposed amendment will require the active role of signature country’s militaries, and the U.S. military in particular.

We also need to continue to strengthen the multilateral export control regimes to better equip them to combat the evolving global proliferation threat. Sensitive dual-use items and technology cannot be controlled effectively unless there

is broad cooperation among exporting and transit countries. We have made an important start in this effort with the decision taken by the Australia Group to broaden the number of dual-use items it would control and with the various diplomatic outreach programs initiated by several other multilateral export control regimes.

But these steps – unfortunately – will not be enough, given that yesterday’s recipients of WMD-related systems and technologies are today’s purveyor’s of WMD-related systems and technologies to other countries, and given the linkages between these countries and terrorist groups. As President Bush said in June at the West Point commencement ceremonies:

“We cannot defend America and our friends by hoping for the best. We cannot put our faith in the word of tyrants, who solemnly sign nonproliferation treaties, and then systematically break them. If we wait for threats to fully materialize, we will have waited too long . . . the war on terror will not be won on the defensive. We must take the battle to the enemy . . . In the world we have entered, the only path to safety is the path of action.”

In Conclusion

The future is ours to lose. In preventing the spread of weapons of mass destruction and their delivery systems, there no excuse for inaction. The U.S., and the international community, must act, and act decisively. As long as there are would-be-proliferators or groups seeking WMD, we must remain vigilant and resolute, and we need to take the initiative away from these groups so that they are not able to choose the time and place of an attack. We will need to be much more proactive and creative in our diplomatic efforts; we will need to continue to strengthen existing international nonproliferation regimes; we will need to continue to provide direct, material assistance to transshipment countries to help them identify and stop dangerous shipments from slipping through their territory; and we will need to be prepared to act, when necessary, to halt dangerous shipments that threaten our security and that of our friends and allies.