Seven Steps to Overhaul Counterproliferation

Statement of

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Mr. Chairman and Members of the Armed Services Committee, thank you for inviting me to appear before you today. Today I would like to step back a bit and look beyond today's proliferation hotspots – North Korea, Iran, the A.Q. Khan network, the "missing" WMD in Iraq – to the underlying policies and programs of the United States for counterproliferation (CP). I was deeply involved in launching the Pentagon's CP Initiative almost ten years ago, when there were few of us hawks on this subject. The way you have framed this hearing is a reminder that dealing with the so-called "rogues," though vitally important, is not the totality of the CP policy we need.

No Silver Bullets: A Comprehensive Approach to Counterproliferation

A clear indication that our approach to countering proliferation should not begin and end with the rogues is that most of the nearly 200 nations on earth have not, in fact, resorted to weapons of mass destruction (WMD). There are but a few rogues, fortunately. In one of Arthur Conan Doyle's famous novels, Sherlock Holmes sees a vital clue in the fact that a dog at the scene of the crime did not bark. In a similar way, we should see a clue to one aspect of a successful CP policy in the fact that such countries as Germany, Japan, Turkey, South Korea, and Taiwan have not resorted to WMD. They have not because they were dissuaded from doing so by a stable alliance relationship with the United States that offered better security for them than WMD. This is something the United States has been doing right and should keep doing right; later I will return to this point, because I have some concerns about the health of our alliances and partnerships.

Other nations have foregone WMD as part of a disarmament agreement like the Nuclear Nonproliferation Treaty that ensures them that if they forego WMD, their neighbors will also. If disarmament regimes can be strengthened and updated so they offer credible protection, they too can play a vital role in CP.

When dissuasion and disarmament fail and a nation heads down the road to WMD acquisition, focused diplomacy by the United States can sometime reverse its course. Recent decades give many examples: Ukraine, Kazakhstan, and Belarus after the

collapse of the Soviet Union; South Korea and Taiwan in the 1980s; Argentina and Brazil in the 1990s; perhaps Libya in recent years.

Some proliferators cannot be turned back. At that point our approach must be to deny them the means to make WMD: keeping the worst weapons out of the hands of the worst people, to paraphrase President Bush. Export controls, covert action, the new Proliferation Security Initiative (PSI), and the highly successful Nunn-Lugar program all contribute to the strategy of denial.

Sometimes dissuasion, disarmament, diplomacy, and denial don't work, and despite our best efforts proliferation occurs. It was important to me during the time I served in the Defense Department that U.S. efforts to counter WMD not end when nonproliferation had failed, and that is one reason we coined the word "counterproliferation". At that point we need to offer protection to our forces, people, and allies against use of WMD. Elimination of hair-trigger alert postures, improved permissive action link (PAL) type technology, and other defusing measures can reduce the chances of accidental or unauthorized use of WMD – from Russia, for example, or between India and Pakistan. With respect to deliberate use, the United States should continue its current policy of threatening "overwhelming and devastating" retaliation against anyone who uses nuclear, chemical, or biological weapons against us, since in at least some cases deterrence might be effective. Where deterrence fails, defenses – ranging from chemical suits, inhalation masks, and vaccines to ballistic missile defense (BMD) – are needed. Finally, where the risk of use of WMD is imminent, preemptive destruction of hostile WMD might be a necessary last resort.

Mr. Chairman and Members of the Committee: dissuasion, disarmament, diplomacy, denial, defusing, deterrence, defenses, destruction – what the Department of Defense calls the "8 D's," are the tools of a comprehensive counterproliferation policy. Besides being an easy jog to the memory, the 8 D's are a reminder that there is no silver bullet for counterproliferation – not preemption (destruction), not arms control (disarmament), nor any other single tool. From listening to the public debate one might come to believe that one of these tools holds the key to protection against proliferation. But the dynamics driving proliferation in different countries are different enough that no single label or doctrine can cover them all. One might also infer from the public debate that the 8 D's are competing, alternative "doctrines." In fact we need them all.

Ingredients of a Needed Overhaul of Counterproliferation

Today a CP "hawk" should be trying to strengthen all tools in the toolbox – all 8 D's. Many of them are in need of fundamental overhaul. One problem is that some date to the Cold War, when counterproliferation was a "B list" problem compared to the "A list" confrontation with the Soviet Union. Another problem is that we have not heeded a lesson of the attacks of 9/11: counterproliferation and counterterrorism are inseparable in the 21st century. We must be concerned not only about what Kim Jong Il might do with nuclear weapons he obtains from the plutonium he is reprocessing, but also about the other hands into which North Korea's nukes might some day fall – either through sale or

in the chaos of a collapse of the North Korean regime. The half-life of plutonium 239 is 24,400 years; surely the North Korean regime will not last that long. Today's proliferation threat is tomorrow's catastrophic terrorism threat. Who among us would not give a great deal now to return to the 1980s and stop the Pakistani nuclear program, which might be "talibanized" sometime in the future – truly a nightmare scenario?

9/11 should have caused us to overhaul our approach to counterproliferation as fundamentally as our approach to counterterrorism. But so far the "worst people" have gotten more attention than the "worst weapons."

The counterproliferation hawk's agenda would have seven priorities, which together cover all of the "8 D's."

1. Strengthen alliances and partnerships. I indicated earlier that the prospect of being embedded in a stable security relationship with the United States has been critical to preventing proliferation in such countries as South Korea, Turkey, Taiwan, and Ukraine. This underappreciated benefit of America's security partnerships is another reason to avoid the temptation to make a virtue of an Iraq war necessity, the so-called "coalition of the willing." Compared to standing partnerships and alliances, such coalitions do not serve U.S. interests well. Alliance partners train together to interoperate, so when they go to war they are not only willing but able to make a contribution to combined operations. Alliance partners routinely exchange threat assessments, making them more likely – not certain, to be sure, but more likely – to share our view when we believe use of force is necessary. And finally, alliance partners stably tied to the U.S. for their defense are unlikely to adopt a drastic, purely national approach to their defense like acquisition of WMD. For all these reasons, we should reject the notion that the United States can operate effectively through "coalitions of the willing" and use that concept only as a last resort when we have no success in leading our allies in our direction.

2. Expand the scale and scope of Nunn-Lugar. Nunn-Lugar is now recognized to be not just a DOD program focused on the former Soviet Union, the way it began a dozen years ago, but a novel approach to eliminating WMD of wide applicability. At the time the United States formed a coalition against al Qaeda after 9/11, it should have formed a parallel coalition against WMD based on the Nunn-Lugar approach. In fact, such a Coalition Against WMD Terrorism was proposed at the time by none other than Senators Lugar and Nunn. The United States missed a major opportunity to transform counterproliferation while it had the attention and sympathies of the world.

It is not too late to expand the scale and scope of Nunn-Lugar. The expansion would plan for and fund: the final and complete safeguarding of all former Soviet fissile materials, in weapons and non-weapons forms; bolder inroads into former Soviet biological and chemical stockpiles and facilities; collection of all significant caches of highly enriched uranium worldwide, eliminating these "sleeper cells" of nuclear terrorism; complete and verifiable elimination of WMD programs in Iraq, Libya, Iran, and North Korea as and when circumstances permit; promulgation and adoption of

world-class standards for inventory control, safety, and security for all weapons and weapons-usable materials; strengthening border and export controls; and devising cooperative international responses (NEST teams, radiological public health measures, forensics, and so on) in the event of an incident of nuclear terrorism.

Nunn-Lugar is much praised but little funded in Washington and other capitals. Here in Washington there are tenacious opponents in Congress and even in the administration – two and a half years after 9/11's unmistakable wake-up call, and despite the fact that President Bush has voiced his support for the program.

3. Update and upgrade the Nuclear Nonproliferation Treaty. The NPT is sometimes disparaged because, it is said, the "bad guys" can ignore it with impunity (since it has inadequate verification and enforcement provisions) and the "good guys" would be good with or without an agreement. This contention is wrong for two reasons.

First, the world does not divide neatly into "good guys" and "bad guys" in regard to proliferation behavior: there is a substantial "in-between" category. This group has been represented over time by Ukraine, Kazakhstan, and Belarus (which chose to forsake the nuclear weapons they inherited from the Soviet Union); Argentina and Brazil (which mutually agreed to give up nuclear their nuclear programs); Taiwan and South Korea (which chose U.S. protection over nuclear weapons); and South Africa (which changed regimes and thus its sense of external threat). In all these cases, the allure of greater international acceptance if they abandoned their nuclear ambitions and signed the NPT was one of the deciding factors.

Secondly, it is important to note that agreements like the NPT are, in fact, useful even in dealing with the "bad guys," in an indirect way. When it becomes necessary for the United States to lead action against the rogues, the international consensus against WMD embodied in arms control agreements provides a framework for the United States to marshal the support of other nations.

While the NPT has great value in its current form, its provisions can and should be strengthened. One problem is that the concept of a so-called "peaceful atom," dating to the 1960s when the NPT was negotiated, constitutes a huge loophole in the regime that must be closed. A short time ago, the New York Times published an op-ed authored by William J. Perry, Brent Scowcroft, Arnold Kanter, and myself proposing a way to plug this loophole. I have attached that op-ed to this statement. My co-authors testified with me before the Senate Armed Services Committee, and we elaborated our recommendation for this policy change at that time. I was pleased that President Bush included this concept in his recent speech at National Defense University, and I hope he follows up vigorously to implement it. A second problem with the NPT is the weaknesses of its verification and enforcement provisions, which also need to be addressed.

Arms control plays a limited role in the counterproliferation toolbox. But in this it is not different from all the other tools. Each tool has its limitations, but also its place. The United States should be taking the lead in fixing the NPT, not in disparaging it.

4. Make counterproliferation an integral part of Pentagon Transformation. In the 1990s the term "counterproliferation" was coined in the Pentagon to signify that contending with WMD was an important DOD mission in the post-Cold War world. A number of counterproliferation programs were created within DOD to try to focus research, development, and acquisition on producing non-nuclear counters to WMD on the battlefield. Nuclear retaliation for use of WMD against U.S. troops was always an option, but not all opponents will necessarily be deterred in this way, and in the event of WMD use against us the President deserves better options than firing U.S. nuclear weapons.

Over time, the counterproliferation programs were expanded to protecting rear areas – ports and airfields in the theater of war – against chemical and biological weapons attack. Subsequently, the technologies for protecting allied rear areas were recognized to be applicable to protection of the U.S. homeland from WMD attack. Thus, by 9/11, DOD was recognized as the lead agency in the federal government for developing and fielding technology for countering WMD wielded by both state and non-state actors, both on foreign battlefields and on U.S. territory. Examples of counterproliferation programs, both research and acquisition, were chemical and biological warning sensors, improved vaccines against bioattack, individual and collective protective coverings, special munitions for attacking and neutralizing enemy WMD, radiochemical forensics, and active defenses such as ballistic missile defense.

Today the Pentagon is quite rightly devoting a portion of its growing budget to "transforming" the military to anticipate future threats and field dramatically new technologies. But the core of the effort remains long-range precision strike, close integration of intelligence information with operations, and closer working of Army, Navy, and Air Force units together in "joint" operations. These worthy transformation goals for conventional warfare have not been matched by any comparable counter-WMD emphasis. DOD's counterproliferation programs remain small and scattered among the Services, OSD, "joint" program offices, and the Defense Threat Reduction Agency. Excluding missile defense, these programs amount to only a few billion out of the $400 billion defense budget, far too small a fraction given the importance of the mission. Counterproliferation needs more resources and a clearer management structure in DOD.

5. Increase focus on WMD terrorism within the Homeland Security program. A similar observation can be made about the priority given to WMD in the new homeland security agencies and budget. If the worst kind of terrorism imaginable is WMD terrorism, why is so small a fraction of the new homeland security program devoted to innovative efforts to prevent and respond to WMD terrorism?

6. Weigh carefully the pros and cons of further innovations in the U.S. nuclear arsenal. An important question for counterproliferation is whether or not U.S.

deployments and doctrine for its own nuclear arsenal influence the spread of WMD elsewhere in the world. For the most part, the influence is marginal, both pro and con.

It is unlikely that Pyongyang's or Teheran's calculations, let alone al Qaeda's, are significantly dependent on whether the United States has 6000, 3500, or 2200 deployed strategic weapons (these are the numbers permitted under the last three rounds of U.S.-Russian nuclear arms control), retains tactical nuclear weapons deployed in Europe, researches or develops earth-penetrating or other new types of nuclear weapons, or has a doctrine that either threatens or forswears nuclear retaliation if chemical or biological weapons are used against the U.S. or its allies.

On the other hand, countering North Korean and Iranian WMD ambitions can be assisted with the support of other nations. Defeating al Qaeda absolutely depends upon cooperation by foreign governments in intelligence and law enforcement; in this area a unilateral option is not available. International support for these U.S.-led efforts against WMD is influenced, again perhaps only at the margin, by U.S. nuclear policy. To the extent that the United States suggests a growing reliance of its own on nuclear weapons for security, it makes the job of marshaling international cooperation in a coalition against WMD terrorism or an overhaul of WMD arms control more difficult.

Also, as described previously, we need to worry not only about the "rogues" but about the "in-betweens." Their decisions about nuclear weapons are probably more strongly influenced by their perception of the nuclear "order" that we represent and lead, and that is reflected in our own conduct.

The fear that the United States would or could use nuclear weapons is a deterrent against use of WMD by proliferating governments, and a means of destroying WMD before it can be used against us. But the United States has another tool of deterrence and destruction besides nuclear weapons – its unmatched conventional military power. Terrorists, for their part, are likely not deterred by threats of punishment at all.

The marginal costs of emphasizing the role of U.S. nuclear weapons in its own security should therefore be weighed against the marginal benefits of modification of the U.S. nuclear posture to strengthen our capabilities for deterrence and destruction. Recently the United States has embarked on three changes that do not meet this test.

One adjustment has been to combine nuclear weapons, missile defenses, and long-range conventional weapons into a "new Triad," replacing the traditional nuclear "Triad" of land-based missiles, submarine-based missiles, and strategic bombers. This construct accomplishes little in practice, but it has the detrimental and misleading effect of suggesting to the outside world that U.S. presidents will regard use of nuclear weapons and use of conventional weapons as differing only in degree rather than in kind.

Another change with little obvious benefit is to accelerate the schedule for the resumption of underground nuclear testing. The new schedule allows weapons scientists to test at the earliest time they can be ready to gather useful data from the detonation.

Given the stakes involved, the primary driver of the schedule for resuming underground testing should be military necessity, and on this score, the case for the change has not been made.

The third important modification is to embark on research and development of a new type of earth-penetrating nuclear warhead, ostensibly to destroy deeply buried WMD facilities. Again, the military rationale for this move is not strong, since the United States already has earth-penetrating nuclear weapons and the focus on munitions begs the larger question of finding such targets in the first place. The political enormity (and much of the fallout contamination) of a decision to cross the nuclear divide would not be much reduced by changing the design of the nuclear weapon. The benefit of this innovation in U.S. nuclear programs is therefore modest.

The optimal U.S. military strategy would be to seek to widen and prolong the huge gap between U.S. conventional military capabilities and those of any other nation, to strengthen DOD's counterproliferation programs to give the President better non-nuclear counters to WMD, and to use transformational technology to narrow rather than widen the range of circumstances in which this nation would have to resort to use of nuclear weapons.

7. Overhaul WMD Intelligence: The Specter of Policymaking in the Dark. No policy tool – neither preemptive destruction, nor disarmament arms control, nor missile defense, nor denial – can be effective if the existence and nature of WMD efforts is unknown or imprecise.

Secretary of Defense Donald Rumsfeld became convinced in the course of his work on ballistic missile proliferation before he took office that adequate intelligence on WMD programs is unlikely to be present in most cases. Given the stakes, he concluded, the U.S. must assume the worst in formulating its policy responses. This logic, encapsulated in the maxim "absence of evidence [of WMD] is not evidence of absence," was the main intellectual argument in the Rumsfeld Commission report leading to the deployment of a National Missile Defense. According to this maxim, intelligence regarding the timetable for the development of an intercontinental ballistic missile threat originating in Iran or North Korea was uncertain enough that it was deemed imprudent for the United States merely to be prepared to deploy a missile defense within a few years (the Clinton administration policy), but instead necessary to undertake deployment immediately.

I myself applied the same logic to the need for a preemptive war in Iraq. I believed it was safer to assume Saddam Hussein was trying to fulfill his long-demonstrated quest for WMD than to interpret the scanty intelligence available as evidence of a scanty WMD program. I still believe my judgment to support the invasion of Iraq was sound on the basis of the information available at the time. But we now know that the overall picture that information painted was incorrect.

The matter of pre-war intelligence on Iraq's WMD is the subject of several ongoing inquiries, and my purpose in raising it is not to anticipate their results but to point to the larger issue of how to improve WMD intelligence in general.

WMD activities are inherently difficult to monitor. It is comparatively easy to monitor the size and disposition of armies, the numbers and types of conventional weaponry like tanks and aircraft, and even the operational doctrines and plans of military establishments (since these generally need to be rehearsed to be effective, and exercises and training can be monitored). By their nature, WMD concentrate destructive power in small packages and tight groups. Both the manufacturing of chemical and above all biological weapons can take place in small-scale facilities. The plutonium route to nuclear weapons requires reactors and reprocessing facilities that are large and relatively conspicuous, but the uranium route can be pursued in facilities that are modest in size and lack distinctive tell-tale external features.

A profound question bearing upon all of the 8 D's is therefore whether adequate intelligence is likely to be available to make any of them effective; or, alternatively, whether WMD spread is by its nature too difficult to monitor. If the latter is true, the world is doomed to a perpetual situation reminiscent of the "missile gap" of the 1950s, where uncertainties outweigh certainties and policymaking is forced into worst-case scenario mode.

The uncertainties of the 1950s missile gap were substantially dispelled by the invention of satellite reconnaissance. The Soviet Union's missile silo construction and flight tests were visible from space. Today, there are some emerging intelligence technologies that will potentially make a substantial contribution to the collection of quality intelligence on WMD. They are "close-in" technologies as opposed to "from-the-outside-looking-in" like satellite photography. They are described in rough outline in an article I wrote for Technology in Society, which will be published soon and which I have appended to this statement.

But no technology in the offing holds the promise of lifting the veil of WMD activities completely the way satellite photography lifted the veil from the Soviet Union's nuclear missile and bomber programs. Accurate intelligence on WMD would therefore be enhanced by four additional ingredients, two that are matters of policy, and two that are matters of intelligence community management.

The first ingredient is active cooperation by the parties under surveillance. Just as the Soviet Union allowed overflight of its territory by satellites, governments around the world will have to allow greater access to their territory, facilities, and scientists if there is to be any kind of accurate underpinning of counterproliferation. At a minimum, governments that wish to avoid suspicion (and thus coercion and even preemptive attack) will need to allow the kind of access promised to U.N. inspectors in Iraq before the 2003 war. Access involves the ability to inspect facilities by surprise, take material samples for forensic analysis, install monitoring equipment, and other physical means. It must be complemented by required data declarations, document searches, and interviews of

scientists. These are tall orders, since they involve compromises with sovereignty and legitimate military secrecy for the nations inspected, but they are the only way North Korea's WMD ambitions will be verifiably eliminated, or Iran's nuclear power activities fully safeguarded.

The second ingredient must be the shifting of the burden of proof from the international community to the party under suspicion. To make an inspection system of carefully managed, if not totally unfettered, access based on active cooperation succeed, it must be the responsibility of the inspected party to dispel concerns, and not the responsibility of the United States or the international community to "prove" that dangerous WMD activities are underway.

Third, since proliferation is essentially a scientific activity, we also need to increase the number and level of technical training of the scientists and engineers in the intelligence community, as well as the linkages between the intelligence community and the broader scientific community.

Finally, a great spur to quality and motivation of an intelligence effort is a clear link to action. Since 9/11, as you know, the counterterrorism intelligence effort has become more "actionable." To simplify somewhat, the counterterrorism effort has moved from producing papers characterizing terrorist groups to supporting operations to interdict terrorists. As the counterproliferation efforts gets more operational through covert action, the PSI, expanded Nunn-Lugar, and verifying WMD elimination in Iraq, Libya, and hopefully elsewhere, the demand for "actionable" intelligence will increase. If history is any guide, the intensity and quality of collection and analysis by the intelligence community will increase in response.

Taken together and with urgency, I am optimistic that such steps to overhaul our WMD-related intelligence effort can provide accurate intelligence to undergird all of the 8 D's.

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Mr. Chairman and Members of the Committee, the war on terrorism and the war on proliferation are strongly linked in the 21st century. But they are not identical. So far we are waging the war on terrorism much more vigorously than the war on WMD, attacking the "worst people" much more than the "worst weapons." I hope this hearing contributes to an overhaul of counterproliferation that is as far-reaching as the overhaul of counterterrorism that began on 9/11, and that the measures I have recommended provide an agenda for action.