

**Summary Report on Testimony before
The United States House Committee on Government Reform,
Subcommittee on National Security, Emerging Threats, and
International Relations
Hearing entitled:**

“Weapons of Mass Destruction: Current Nuclear Proliferation Challenges”

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ABA Co-Chairs Testify Before Congress

On September 26, 2006 a hearing was held by the in House Committee on Government Reform, Subcommittee on National Security, Emerging Threats, and International Relations entitled “Weapons of Mass Destruction: Current Nuclear Proliferation Challenges.”

Ambassador Thomas Graham, Jr. and **Jonathan Granoff**, Global Security Institute testified as members of an expert panel on nuclear weapons proliferation, international law, and current nuclear crises. The panels brought internationally and nationally recognized figures in the fields of nuclear technology and nuclear weapons proliferation

The hearing was held in Room 2154 of the Rayburn Building. Congressman Christopher Shays chaired the meeting, with Representatives John J. Duncan, Jr. (TN), Dennis Kucinich (OH), Stephen Lynch (MA) Chris Van Hollen (MD), and Henry Waxman (CA) in attendance. The meeting was also attended by Congressional staff members and broadcast via the Internet. The hearing consisted of three panels, with a question and answer period after each round of testimony.

Dr. Hans Blix, Chairman of the Weapons of Mass Destruction Commission, was the focus of the first round of testimony.

The second panel consisted of current US Administration representatives: Mr. William H. Tobey, Deputy Administrator for Defense Nuclear Proliferation with the National Nuclear Security Administration of the Department of Energy, Mr. Andrew K. Semmel, Deputy Assistant Secretary for International Security and Nonproliferation at the Department of State, Mr. Jack David, Deputy Assistant Secretary of Defense for Combating Weapons of Mass Destruction and Negotiations Policy, and Mr. Gene Aloise, Director of Natural Resources and Environment at the Government Accountability Office.

The third panel consisted of experts from non-governmental organizations: Ambassador Thomas Graham, Jr., Mr. Baker Spring, F.M. Kirby Research Fellow for National Security Policy at The Heritage Foundation, Mr. Jonathan Granoff, Mr. Henry D. Sokolski of the Nonproliferation Policy Education Center, and Professor Frank von Hippel, Co-Chairman of the International Panel on Fissile Materials.



From Right: Jonathan Granoff, Rep. Chris Shays, Dr. Hans Blix

Hearing Summary

The hearing opened at 1:30 p.m. on September 26, 2006 with a statement from Chairman Shays who lauded the Non-Proliferation Treaty (NPT) as “the cornerstone of efforts to prevent the proliferation of nuclear weapons.

However, he cautioned that:

...a powerful global nuclear threat remains today. The [Non-Proliferation of Nuclear Weapons] Treaty is not perfect. States such as India, Pakistan, and North Korea have declared they have nuclear weapons. Terrorist organizations such as al-Qaeda continue to seek chemical, biological, radiological and even nuclear weapons.

In the face of these threats, rededication to the NPT is especially critical to ensure international peace, stability, and security.

Faced with these challenges, Chairman Shays framed the hearing around two central questions which he posed to the panelists:

- Why has the Treaty on the Non-Proliferation of Nuclear Weapons failed to prevent the spread of nuclear weapons?
- What steps should be taken to strengthen compliance with the Treaty on the Non-Proliferation of Nuclear Weapons?

Panel I

Dr. Hans Blix spoke to the need for reliable methods for disarmament, stating the Iran should suspend its nuclear energy program until accord can be reached. He emphasized the need to create conditions of security for Iran that reinforce the utilization of diplomacy and impetus to address proliferation concerns and emphasized that such a route is contrary to threats and calls for regime change. Dr. Blix mention the Comprehensive Test Ban Treaty, its 10th anniversary, and the positive 'domino effect' of a US ratification of the CTBT. He also stated that provisions for ratification of the CTBT by North Korea should be included in any negotiations.

Dr. Blix lauded a Fissile Materials Cutoff Treaty because it would hinder the production of plutonium that could be used to create weapons, but emphasized the need to secure all materials. He also stated that terrorists would be more likely to focus on enriched uranium, and that the NPT represents a commitment between governments who have the responsibility to ensure safeguards within their borders, and that the threat of sanctions against nations such as Iran was counterproductive.

Dr. Blix was questioned on the difficulty in constructing a nuclear weapon (Answer: "I'm a lawyer, not very good at making bombs" but depends on the type of device), whether a greater threat was posed by terrorist groups or rogue nations (Answer: rogue nations, but there is a greater concern about terrorist groups because of the potential to construct a 'dirty bomb'). When asked about the number of nations that possess WMD, he answered that to include all types would result in many nations, but that there were 9 nations (original five NPT possessors plus 4 more). He also said that there was a "misunderstanding that the world is full of would-be proliferators" and that counter-proliferation was counterproductive because it was likely to provoke retaliatory measures.

Dr. Blix stressed support for the NPT, CTBT and the FMCT as necessary to halting the proliferation of nuclear weapons.

Panel II

The hearing reconvened after a brief recess with testimony from Mr. William H. Tobey, Deputy Administrator for Defense Nuclear Proliferation with the National Nuclear Security Administration of the Department of Energy, Mr. Andrew K. Semmel, Deputy Assistant Secretary for International Security and Nonproliferation at the Department of State, Mr. Jack David, Deputy Assistant Secretary of Defense for Combating Weapons of Mass Destruction and Negotiations Policy, and Mr. Gene Aloise, Director of Natural Resources and Environment at the Government Accountability Office.

Mr. William Tobey spoke regarding the outcomes of the Vienna Conference of the IAEA, and of the difficulties inherent in the dual-use nature of nuclear materials, and the positive role of the NPT in preventing proliferation but stated that "the NPT does

not address terrorism.” He mentioned the administration’s new initiative, named the Global Initiative to Combat Nuclear Terrorism which calls for greater coordination among parties.

Mr. Andrew Semmel emphasized the successes of the NPT and the Global Nuclear Energy Partnership as central to the administration’s efforts to reduce the potential for terrorists to gain access to nuclear stockpiles and to work on both energy and security issues simultaneously.

Mr. Jack David spoke to the fact that the Bush administration has been in favor of a Committee on Safeguards and Verification in the IAEA, and US efforts to add to the IAEA’s ability to detect cheating and conduct ad hoc inspections where it deems necessary. He spoke directly regarding administration efforts to reduce access to materials in Belarus, Kazakhstan, and Ukraine.

Mr. Gene Aloise discussed the steps that the five nuclear weapons states have taken to voluntarily place themselves under the safeguards of the IAEA, and spoke at length on the monitoring of nuclear weapons-related activities. He placed emphasis on considering the difficulty of procuring fissile material when considering the likelihood that a ‘dirty bomb’ would be constructed. He cited the failure of more than half of the NPT signatories to ratify the Additional Protocols as a significant limitation of the NPT. His testimony also recognized that the IAEA will have to undergo a significant workforce change as more than half of its current staff retires within the next five years. He also talked about the challenges of guarding stockpiles, stating: “While securing nuclear materials and warheads where they are stored is considered to be the first line of defense against nuclear theft, there is no guarantee that such items will not be stolen or lost.”



From Right: Mr. Spring, Ambassador Graham, Dr. Blix, Jonathan Granoff, Mr. Sokolski, Dr. Frank von Hippel

Panel III

After a second small recess, the third panel convened. The third panel consisted of: Ambassador Thomas Graham, Jr., Chairman of The Bipartisan Security Group of the Global Security Institute, Mr. Baker Spring, F.M. Kirby Research Fellow for National Security Policy at The Heritage Foundation, Mr. Jonathan Granoff, Esq. President of the Global Security Institute, Mr. Henry D. Sokolski of the Nonproliferation Policy Education Center, and Professor Frank von Hippel, Co-Chairman of the International Panel on Fissile Materials.

Ambassador Graham spoke of the NPT as “the centerpiece of world security.”, and attributed the limited number of nuclear weapons states (9 instead of the 25-30 estimated to arise by 1970 in 1962) to the NPT. He cautioned, however, that there may be more than 40 countries with the capability to build nuclear weapons. While many countries may have the potential to become proliferators, only 4 have joined the ranks of the original 5, a testament to the strength of the NPT in channeling efforts away from proliferation. He stated that the United States has been lax on its commitment to nuclear disarmament, particularly with regards to the Comprehensive Test Ban Treaty, and the erosive effect that tests by India and Pakistan have had on the NPT. He emphasized the necessity to live up to US commitments regarding the NPT in

order to maintain its political strength, and the potential positive impact that a multilateral, independent fuel bank could have on relations.

Jonathan Granoff, Esq. discussed the NPT's positive impact in encouraging states to forgo the nuclear option. He addressed the consequences of Russia and the United States' continued reliance on launch on-warning systems. He emphasized the need to put verification mechanisms in place regarding cuts in the US and Russian arsenals and the need for the United States to de-emphasize nuclear weapons in its security posture.

He highlighted the core contradiction that stimulates instability: the promise of disarmament under the NPT and the intransigent reliance for the foreseeable future on the threat to use the weapons, and emphasized the need to honor commitments to disarmament made by the United States under current international treaty law.

Dr. Frank von Hippel emphasized the *de facto* threat that nuclear weapons posed to all nations, and the necessity of getting all nations to commit to low enriched uranium as a fuel source in nuclear reactors. He stated that this objective has not yet achieved success due in large part to the failure of the five weapons states to implement the 13 Steps of the 2000 NPT Conference. He stated that a FMCT could have a positive impact on proliferation, but that the current administration has limited progress on a comprehensive FMCT because of its refusal implement international verification, has refused to allow discussion leading to the creation of a subsidiary body in the Convention on Disarmament to deal with nuclear disarmament.

Henry Sokolski suggested that the IAEA could strengthen the NPT by limiting the 'inalienable' right of nations to pursue technology that could have dual-use implications and that it should seek to define and expand its ability to monitor and safeguard nuclear fissile material through increased funding for stronger verification. He also stated that unwieldy nuclear energy projects should be shelved to the extent that they may result in greater proliferation, not less and that rules regarding proliferation should be applied in a country neutral fashion.

Dr. Baker Spring spoke regarding the need to address the underlying security tensions that have traditionally resulted in proliferation between nations, with particular emphasis on regional tensions that can exist, citing the examples of Asia (India, Pakistan, China, and North Korea). He also advocated for greater attention to the focus of terrorist organizations in gaining access to materials that could be used in a nuclear weapon, continuing steps by the US and Russia to decrease stockpiles, and maintaining high standards for the handling of fissile materials. He rejected the call for the abolition of nuclear materials, the adoption of a no first use policy, entering into a Comprehensive Test Ban Treaty, 'de-alerting', or pursuing 'more efficient' nuclear weapons technologies.

All of the links below can be accessed online at the Global Security Institute's website (www.gsinstitute.org), which also hosts a transcript of all six hours of testimony at www.gsinstitute.org/docs/SNS_Congressional_Transcript.pdf.

Links

The House Subcommittee on National Security, Emerging Threats, and International Relations:
<http://reform.house.gov/NSETIR/>

“Weapons of Mass Destruction: Current Nuclear Proliferation Challenges”
Hearing Documents: <http://reform.house.gov/NSETIR/Hearings/EventSingle.aspx?EventID=50879>

Hans Blix's Testimony: http://reform.house.gov/UploadedFiles/Blix_attachment_Sept_06.pdf

Jonathan Granoff's Testimony: http://reform.house.gov/UploadedFiles/Granoff_Testimony.pdf

Ambassador Graham's Testimony: http://reform.house.gov/UploadedFiles/Graham_September_26_Testimony.pdf