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DETERRING DEATH AND DESTRUCTION  
CATASTROPHIC TERRORISM AND THE PROLIFERATION OF  
NUCLEAR, CHEMICAL, AND BIOLOGICAL WEAPONS

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## I-N-D-E-X

	<u>PAGE</u>
I. Introductory Comments by Gary Matthews	3
II. Speakers:	
-- Thomas Pickering	8
-- Robert Einhorn	17
-- Ted McNamara	26
III. Question/Answer Session	33

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P-R-O-C-E-E-D-I-N-G-S

(2:30 p.m.)

MODERATOR MATTHEWS: Well, welcome everyone very much. I would like, on behalf of Richard Sullivan, the President of the United States Institute of Peace, to welcome you to this program on the recently-issued report of the Task Force on the United Nations.

I am Gary Matthews with the task force, and also served as editor of the report. The task force report was issued in mid-June, quite recently, and today's program is actually one of several follow-on events which we're having to look at specific issues and areas which were covered by the report.

Specifically, today's discussion -- very, very important, and that's a mild word -- will look at issues of catastrophic terrorism and the proliferation of nuclear, chemical, and biological weapons, and very much -- very particularly the findings and recommendations of the report in that regard.

I might just mention that the four other sort of subject areas, dramatic areas of the overall task force report covered human rights and genocide, namely safeguarding human rights, ending genocide; secondly, reforming the United Nations' management and accountability issues; thirdly, preventing and ending

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1 conflicts, international peacekeeping; and the other,  
2 finally, helping people in nations' development and  
3 humanitarian assistance.

4 Just briefly, a bit on the genesis of the  
5 task force. The effort goes back to December of 2004,  
6 just coming up on seven months, when a provision in the  
7 2005 Omnibus spending bill -- appropriations bill  
8 mandated the establishment of a bipartisan task force on  
9 the United Nations.

10 The U.S. Institute of Peace was directed to  
11 organize the creation of the task force, and the  
12 legislative initiative on this -- and credit definitely  
13 goes to Congressman Frank Wolfe, Chairman of the House  
14 Appropriations Subcommittee on Science and Departments  
15 of State, Justice, and Commerce.

16 The legislation specified that the task  
17 force should study and develop findings and  
18 recommendations regarding United Nations efforts to meet  
19 the goals of its charter signed in June 1945, which is  
20 just 60 years ago, and address obstacles to achieving  
21 those goals, especially the goal, as specified in the  
22 legislation, of maintaining international peace and  
23 security and the promotion of universal respect for and  
24 observance of human rights and fundamental freedoms.

25 The bipartisan task force consisted of 12

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1 distinguished members, co-chaired by Newt Gingrich,  
2 former Speaker of the House of Representatives, and  
3 Senator George Mitchell, former Majority Leader of the  
4 Senate. And the work of the task force was supported by  
5 some 20 experts drawn from six leading public policy  
6 institutions, namely the American Enterprise Institute,  
7 the Brookings Institution, the Center for Strategic and  
8 International Studies, the Council on Foreign Relations,  
9 the Heritage Foundation, and the Hoover Institution.

10 And the emphasis throughout was to provide  
11 an assessment based on American interest from an  
12 American perspective, focusing concretely on what the  
13 United States could and should do to help make the  
14 United Nations more effective and, frankly, more  
15 relevant in this very challenging period.

16 So that is why in the report there is a  
17 very pronounced emphasis, accompanying strong emphasis,  
18 on actionable recommendations. And you will hear about  
19 those today from Ambassador Thomas Pickering, a task  
20 force member, and Robert Einhorn, who was the lead  
21 expert for the particular group looking at the issues we  
22 are talking about today.

23 Let me just note before I turn to the  
24 opening panel that -- opening remarks by our task force  
25 member and expert that we want this very much to be a

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1 discussion as well with you, so I am reminded by my  
2 colleagues to remind you to please use the microphone --  
3 microphones which are around when we get into the  
4 discussion for your questions and comments.

5           Ambassador Pickering is currently Senior  
6 Vice President for International Relations at the Boeing  
7 Company following a not inconsiderable and highly  
8 distinguished career spanning some five decades of -- in  
9 foreign service in the State Department where he held  
10 many key positions including Undersecretary of State for  
11 Political Affairs, U.S. Ambassador to Russia, India,  
12 Israel, El Salvador, Nigeria, and Jordan, and as well,  
13 in his copious free time, Ambassador and permanent  
14 representative to the United Nations in New York. So  
15 you can well see that he brings a great deal to this.

16           Moreover, I would note that Ambassador  
17 Pickering holds the personal rank of career Ambassador  
18 of the United States, which is a singular distinction.  
19 And I think I might know, Tom, this means you are always  
20 subject to instant recall, which, of course, your  
21 service on the task force is a manifestation.

22           Robert Einhorn is a Senior Advisor in the  
23 International Security Program at CSIS, Center for  
24 Strategic and International Studies, a position he came  
25 to after some three decades of service in the U.S.

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1 Government. This includes Assistant Secretary of State  
2 for Non-Proliferation, member of the State Department  
3 policy planning staff, and many responsible positions  
4 within the United States Arms Control and Disarmament  
5 Agency. Bob brings, and has for a long time, immense  
6 expertise on the key issues that are -- we are looking  
7 at today.

8 We have many distinguished people here  
9 today, but let me just mention two others. I want to  
10 acknowledge the presence of Ambassador Ted McNamara, an  
11 old friend, preeminent expert on issues of  
12 counterterrorism, and, indeed, who has served as  
13 Ambassador-at-Large and Assistant Secretary of State for  
14 all of that, and then was recalled to the Department of  
15 State after September 11, 2001, to serve as Senior  
16 Advisor to the Deputy Secretary on such issues --  
17 homeland security, counterterrorism.

18 And I'd like to also note, Pat, that you  
19 have some of your students from George Washington  
20 University who are present with us today and who gather  
21 with him and are here to look at these very issues.

22 Finally, I am -- I must say it is a real  
23 pleasure to acknowledge the presence here today of John  
24 Lowell, who is an old friend. He is Ambassador to  
25 Washington of the Republic of Malta, and this goes -- I

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1 go back some 20 years ago when I had the pleasure of  
2 being the American Ambassador to Malta. So we have a  
3 coming together after all these years.

4 Without further, Ambassador Pickering, Tom,  
5 if I may turn to you for some remarks, we'll commence.

6 AMBASSADOR PICKERING: Thank you, Gary,  
7 very much, and thank you for that very kind  
8 introduction. And welcome, ladies and gentlemen.

9 Gary has explained to you the origin of the  
10 Commission and the important role that Congressman Frank  
11 Wolfe of Virginia played in its startup. The Commission  
12 came at a time, and comes at a time, when the United  
13 Nations faces serious challenges and major issues.

14 Iraq certainly added to them, as did  
15 concerns over issues such as oil for food, the general  
16 liability and efficiency of the management of the  
17 organization, and a growing list of questions, but  
18 particularly including those that we're going to discuss  
19 here this afternoon -- terrorism and the proliferation  
20 of weapons of mass destruction, and the linkage between  
21 them.

22 If any of you had noticed The Financial  
23 Times today, you would have seen an article that the  
24 London insurance community is deeply concerned by this  
25 nexus, and indeed looks at the possibility of damages

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1 going upwards of \$100 billion, if a serious incident in  
2 this particular region took place.

3 The report was put together with the  
4 exceptional leadership of former Speaker of the House,  
5 Newt Gingrich, and former Majority Leader of the Senate,  
6 George Mitchell. Members came from many backgrounds and  
7 opinions. I was privileged to be asked to serve.

8 Many in this country and beyond have  
9 expressed surprise that the group, in its extreme  
10 diversity, would have come together on so many valuable  
11 and useful recommendations. This is due to several  
12 factors -- the role, first, of our co-chairman;  
13 secondly, the serious interest of each of the members in  
14 seeking ways to improve the United Nations and its  
15 performance; thirdly, the strong support of our staff of  
16 experts in the organizing initiative of the United  
17 States Institute for Peace and the cooperation of a  
18 number of the think-tanks that Gary has mentioned to you  
19 today.

20 Many of us played roles in one of the  
21 specific areas of the Commission which it decided to  
22 cover in this report, and so today we focus on terrorism  
23 and weapons of mass destruction.

24 We were particularly fortunate to have, as  
25 Gary has mentioned to you, as our local staff expert and

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1 as our principal drafter, Robert Einhorn. Bob is  
2 supremely well qualified, as you know from the report  
3 itself, and its salient recommendations, and we were  
4 pleased and delighted that he was able to give us so  
5 much time and so much of his expertise.

6 I will cover some of the specific issues  
7 leading up to the report, and I will ask Bob to review  
8 for you the particular recommendations that the report  
9 contains. The number one security challenge facing the  
10 United States today, in the words of the Commission, is  
11 the dual threat from terrorist groups and hostile  
12 regimes, both seeking nuclear, biological, and chemical  
13 weapons.

14 If the United Nations is to fulfill its  
15 charter-mandated central goal of maintaining  
16 international peace and security, it will have to be  
17 effective in addressing these twin dangers. The task  
18 force evaluated the record of the U.N. institutions in  
19 dealing with proliferation and terrorism and found that  
20 record to be a mixed one.

21 On Iraq, when Security Council members were  
22 united in the early 1990s, the Council was able to put  
23 in place, following Saddam's defeat in the first Gulf  
24 War, a tough regime of sanctions and inspections that  
25 effectively crippled Saddam's weapons of mass

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1 destruction programs.

2 But when P5 unity broke down in the late  
3 1990s in the Security Council, the sanctions and  
4 inspection regime came under heavy pressure and began to  
5 unravel as Saddam gained confidence that he could defy  
6 the Council with impunity.

7 On counterterrorism, the Security Council  
8 was slow to address the terrorist threat, reflecting the  
9 prevailing international attitude that terrorism was a  
10 national problem. But in response to terrorist acts, it  
11 adopted mandatory sanctions against Libya in 1992, and  
12 against al-Qaeda and the Taliban regime in Afghanistan  
13 in 1999.

14 Following 9/11, the Security Council  
15 recognized the threats to international security posed  
16 by non-state actors and established a number of  
17 committees of the Security Council aimed at  
18 strengthening the capacities of U.N. member states to  
19 tackle those threats, the Counterterrorism Committee in  
20 the case of terrorism, and the 1540 Committee in the  
21 case of proliferation.

22 But so far those mechanisms have hardly  
23 begun to live up to their full potential. The IAEA, the  
24 International Atomic Energy Agency, failed to detect  
25 A.Q. Khan's nuclear black market network of -- or the

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1 covert programs of Libya and Iran in the pre- -- or the  
2 pre-1991 Iraqi programs.

3 But it has learned from its mistakes. It  
4 has acquired stronger verification authorities in the  
5 form of what has now become widely known as the  
6 additional protocol. It has developed a more skeptical  
7 and aggressive safeguards culture, and it has helped to  
8 unravel Iran's 18-year covert enrichment effort.

9 The General Assembly negotiated several of  
10 the 13 conventions that constitute the growing corpus of  
11 international agreements and norms against terrorism.  
12 Just this past April, the Assembly's Six Committee  
13 approved the most recent of these -- the convention for  
14 the suppression of the act -- of acts of nuclear  
15 terrorism. But it has been unable for over a decade to  
16 agree on the fundamental question of how to define  
17 terrorism, and this failure of the international  
18 community to speak with one voice has undermined the  
19 fight against terrorism.

20 Of course, it would be unfair to hold the  
21 U.N. institutions wholly, or even largely, responsible  
22 for today's proliferation in terrorist threats. The  
23 U.N., after all, as the report of the Commission  
24 recognized, is no more on such issues than the sum of  
25 its member states. Unless member states are prepared to

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1 work together to counter these threats, the dangers  
2 will only grow whatever is done to reform the United  
3 Nations institutions and practices.

4 Still, the United Nations system at the  
5 present time clearly has real shortcomings as a tool for  
6 fighting terrorism and proliferation, and the task force  
7 believes that reducing those shortcomings could pay real  
8 dividends for the United States and for international  
9 society. The U.S. is pursuing a broad range of policies  
10 to prevent catastrophic terrorism and the proliferation  
11 of weapons of mass destruction.

12 U.N. institutions often will not be at the  
13 center of American strategy. Some efforts will be  
14 pursued unilaterally outside the U.N. system, such as  
15 the proliferation security initiative. Much will be  
16 done unilaterally, such as the strengthening of U.S.  
17 intelligence, protecting the homeland, and so forth.

18 But the U.N.'s role, even if it is a  
19 limited one, can be very important. U.N. organizations  
20 have a comparative advantage unavailable to the U.S.  
21 acting alone, or even the U.S. acting with a group of  
22 coalition partners. The U.N. brings together an added  
23 dimension of legitimacy that can help place strong  
24 pressures on countries to meet their obligations.

25 The international authority can complement

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1 and reinforce what the U.S. is doing outside of the  
2 United Nations system. For example, the way United  
3 Nations Security Council Resolution 1540 gave a boost to  
4 the proliferation security initiatives. The United  
5 Nations Security Council in some cases is able to  
6 legislate. The question is, of course, here -- will  
7 others follow? And, of course, as you know, in those  
8 instances the United States, along with four other  
9 permanent members, is protected by the veto.

10 And U.N. institutions have resources that  
11 can add to what the United States can provide to the  
12 process directly on its own, whether it is in assistance  
13 to enhance states' anti-terrorism capabilities or on-  
14 the-ground weapons inspectors. So the U.S. has an  
15 important stake in the ability of United Nations  
16 institutions to function effectively in the fight  
17 against proliferation and terrorism.

18 But if the United States is to look to the  
19 United Nations to help address our most acute security  
20 concerns, the United Nations and its member states must  
21 show that they can deliver. It must make clear that  
22 terrorism is neither just a domestic concern, nor even  
23 less, a legitimate instrument of policy, but a  
24 fundamental challenge to the entire international system  
25 with no valid justification.

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1           It must strengthen mechanisms for  
2 monitoring and enforcing compliance with international  
3 non-proliferation obligations. It must recognize that  
4 some of the most dangerous threats that we face today  
5 come from non-state actors and not just from member  
6 states. It must show that existing U.N. institutions  
7 are prepared to adapt their missions to evolving  
8 threats, that new institutions can be created where  
9 necessary, and that outdated institutions can be  
10 disbanded.

11           But in the end, of course, it's not just a  
12 question of whether the United Nations and related  
13 organizations will adopt the necessary reforms, it is  
14 also up to the United Nations members, particularly its  
15 major member states, and not the least, it's up to the  
16 United States.

17           The task force asked the Security Council  
18 to take on additional responsibilities in the areas of  
19 non-proliferation and counterterrorism. This will place  
20 a special burden on the permanent five members of the  
21 Security Council and a premium on permanent five unity.

22           Permanent five consensus-building must be a high  
23 priority, and here permanent five leadership and a  
24 strong U.S. role in that effort become a necessary  
25 condition for success in these areas.

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1           The task force is also aware that strong  
2 U.S. leadership is essential if the United Nations is to  
3 adopt the necessary institutional and procedural  
4 reforms, and if a reformed United Nations is to be used  
5 effectively to prevent catastrophic terrorism and  
6 weapons of mass destruction proliferation.

7           The report's chapter on proliferation and  
8 terrorism concludes on a sobering but realistic note.  
9 If the international community fails to work together to  
10 reform the United Nations and to use its reformed  
11 mechanisms effectively to fight proliferation and  
12 terrorism, then the pressures on the United States and  
13 the other responsible governments to act independently  
14 of the United Nations to protect their security will  
15 become enormous.

16           Now, Bob Einhorn will highlight some of the  
17 task force's report's specific recommendations to the  
18 Congress.

19           Bob?

20           MR. EINHORN: Tom, thank you very much, and  
21 thank you, Tom and Gary, for the kind words of  
22 introduction.

23           I'm not going to cover all of the task  
24 force's recommendations; I will select a few. But all  
25 of you will have a copy of the entire report, and you

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1 can -- you can refer to all of those recommendations  
2 later. And I would like to group the task force  
3 recommendations somewhat arbitrarily into five separate  
4 categories.

5 The first is strengthening verification and  
6 enforcement of non-proliferation obligations. Most non-  
7 proliferation agreements contain verification  
8 provisions, but they're not always adequate to the task.

9 For example, the International Atomic Energy Agency's  
10 additional protocol, which Tom referred to earlier,  
11 provides for much more extensive access by the IAEA than  
12 its -- the arrangements that preceded it.

13 But the -- even the additional protocol  
14 stops far short of the kind of anywhere/anytime  
15 inspections that the U.N. had authority to carry out in  
16 Iraq, beginning in late 2002. So the task force calls  
17 for a Security Council resolution which would enable the  
18 Council to authorize the IAEA and the organization for  
19 the prohibition of chemical weapons in The Hague to use  
20 more extensive supplementary verification methods in the  
21 event that existing verification authorities were not  
22 sufficient to resolve outstanding questions of  
23 compliance.

24 For example, today the IAEA is trying to  
25 gain access to a particular military facility in Iran

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1 called PARCHEN (phonetic). It has visited there once.  
2 It got access to one of about four or five facilities,  
3 but it's been denied access to the others. The  
4 additional protocol, which Iran is currently abiding by,  
5 doesn't give the IAEA an unqualified right to visit all  
6 those facilities.

7 In a situation like this, the IAEA Director  
8 Generator Alberte could report to his Board of Governors  
9 that he doesn't have the tools to resolve a compliance  
10 problem. And if the IAEA board reported that to the  
11 Security Council, the Council would immediately -- with  
12 a view to providing the additional authorities that  
13 would be necessary, up to and including the extensive  
14 authorities provided in the case of Iraq in Resolution  
15 1441.

16 But it's important not just to have  
17 stronger verification authorities in the nuclear area,  
18 it's also important in the chemical and biological area.

19  
20 Now, there's little-known authority that  
21 the U.N. Secretary General has to initiate field  
22 investigations of alleged uses of chemical and  
23 biological weapons. Use of chemical and biological  
24 weapons is prohibited by the Geneva Protocol. There has  
25 been examples in the '70s and '80s where the then

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1 Secretary General authorized these investigations, but  
2 it's not a very effective tool because governments, on  
3 whose territory the use was alleged to take place, would  
4 have the right to turn down the inspections.

5 So what the task force does is to  
6 strengthen this existing authority by the U.N. Security  
7 General by making it mandatory for states to grant  
8 prompt access and to provide full cooperation with the  
9 investigation.

10 Now, detecting violations is not enough.  
11 States have to know that if they're caught cheating  
12 they'll pay a very high price. So the task force, in  
13 order to enhance deterrence against violations of non-  
14 proliferation obligations, has called for the Security  
15 Council to develop a kind of menu of penalties that  
16 would be available for Council consideration in the  
17 event that particular compliance issues were brought  
18 before it.

19 And in addition to this menu of options,  
20 the task force suggests that the Council should also  
21 prescribe certain sanctions that would be applied  
22 automatically in the event of certain kinds of  
23 activities. For example, suspension of nuclear  
24 cooperation with a country would be mandated by the  
25 Council if that country was under investigation for

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1 violation of a safeguards agreement with the IAEA.

2 Second category of recommendations involves  
3 bolstering anti-terrorism agreements and norms. The  
4 task force recommends that the General Assembly move  
5 this fall to adopt a definition of terrorism along the  
6 lines of that which was recommended by the Secretary  
7 General's high-level panel. And the panel essentially  
8 recommended that all indiscriminate acts of violence  
9 against civilians should be considered terrorism,  
10 regardless of what justification was put forward for the  
11 -- for those acts.

12 And on the basis of that agreed definition  
13 of terrorism, the task force recommends that the General  
14 Assembly proceed as soon as possible to conclude a  
15 comprehensive convention against terrorism.

16 Third category of recommendations has to do  
17 with enhancing member states' capacities to deal with  
18 both terrorism and proliferation. The task force calls  
19 for improving the effectiveness of the two principal  
20 U.N. Security Council committees charged with building  
21 those national capacities -- the Counterterrorism  
22 Committee and the so-called 1540 Committee, named after  
23 Resolution 1540, which deals with proliferation.

24 And in the Counterterrorism Committee the  
25 task force suggests that the U.S. should promote what's

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1 called the naming and shaming of state sponsors of  
2 terrorism as well as of states that fail to take  
3 adequate steps to stop terrorism from emanating from  
4 their national territory.

5 The Counterterrorism Committee should also  
6 adopt common standards to measure the performance of  
7 member states in the counterterrorism area. For  
8 example, whether the measures these nations have taken  
9 against terrorist financing are adequate.

10 The 1540 Committee should move aggressively  
11 to encourage U.N. member states to put in place the laws  
12 and the proliferation control measures that are required  
13 of them by Resolution 1540. And these requirements  
14 include domestic legislation criminalizing certain  
15 proliferation-related acts by individuals. They also  
16 include putting in place strong export control systems  
17 and strong measures to ensure the physical protection of  
18 nuclear and other sensitive materials from theft or  
19 seizure.

20 A fourth category of recommendation has to  
21 do with supplementing and closing loopholes of the  
22 nuclear non-proliferation treaty. Now, one of the  
23 loopholes has been cited by U.N. Secretary General, by  
24 President Bush, by Director General Mohammed Alberte of  
25 the IAEA. The NPT actually permits countries complying

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1 with the treaty to build facilities that are capable of  
2 producing both fuel for nuclear power reactors as well  
3 as the fissile materials necessary to produce nuclear  
4 weapons.

5 And so the task force endorses and supports  
6 the Bush administration initiative to close this  
7 critical NPT loophole by impeding the spread of uranium  
8 enrichment and plutonium reprocessing capabilities to  
9 additional countries.

10 And the task force also calls on the IAEA  
11 to examine means of assuring countries that if they give  
12 up the ability to produce their own uranium -- low-  
13 enriched uranium and plutonium that they would receive  
14 reliable multilateral assurances of fuel supply services  
15 at reasonable rates.

16 The task force also urges the Security  
17 Council to take action that would discourage unjustified  
18 uses of the NPT's withdrawal provisions. For example,  
19 the Security Council could decide that states that  
20 withdraw from the NPT would forfeit the right to retain  
21 nuclear materials or facilities that they acquired, that  
22 they imported, while they were parties to the NPT.

23 The fifth and final category of  
24 recommendations I'd like to mention has to do with  
25 ensuring effective institutional arrangements. The task

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1 force made a variety of recommendations related to  
2 adapting existing institutions to evolving threats,  
3 creating new institutional arrangements when they're  
4 necessary, and disbanding outdated international  
5 institutions.

6 On adapting existing institutions, the task  
7 force recommended adjusting the mission of the  
8 organization for the prohibition of chemical weapons to  
9 focus more heavily on the chemical weapons threat coming  
10 from non-state actors. The task force also recommended  
11 elevating the priority that the IAEA assigns to  
12 strengthening nuclear security around the world, and  
13 also to eradicate it -- eradicate the nuclear black  
14 market network, and especially the network founded by  
15 Pakistani scientist A.Q. Khan.

16 On creating new institutions, the task  
17 force recommends establishing a new U.N. organization to  
18 address biowarfare issues, such as the issue of  
19 developing universal standards for biosecurity. And  
20 creating this new organization would avoid pressing the  
21 World Health Organization to compromise its public  
22 health mission by getting too involved in the security  
23 side of the life sciences.

24 The WHO, the World Health Organization, is  
25 comfortable doing a variety of things, including

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1 upgrading its existing disease surveillance network,  
2 which is required to -- to have early detection of  
3 infectious diseases, whether they're manmade or whether  
4 they're natural-occurring.

5 But the WHO is reluctant to go far beyond  
6 that into the biological weapons area, and creating new  
7 organizations would avoid that difficulty. And the task  
8 force calls for studying the advisability of setting up  
9 a single agency devoted to leading the U.N.'s work  
10 against terrorism, especially terrorism with nuclear,  
11 biological, or chemical weapons.

12 There are a number of committees of the  
13 Security Council -- three of them -- addressing closely-  
14 related problems. The task force suggests that first  
15 these committees -- the work of these committees be  
16 rationalized, but beyond that, considering the  
17 establishment of a new independent organization focused  
18 on the -- this terrorism threat.

19 And, finally, on disbanding outdated  
20 institutions, the task force recommends dismantling --  
21 disbanding the Geneva conference on disarmament. The CD  
22 and its predecessor organizations have achieved  
23 important agreements in the last several decades,  
24 including the chemical weapons convention, even the non-  
25 proliferation treaty.

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1           But it has grown much too big to be useful.  
2           There are I think 65 members, 37 observers. It's too  
3           unwieldy to do any useful work, and, in fact, it hasn't  
4           produced a new agreement in the last decade. So the  
5           task force suggests disbanding the CD.

6           But instead of replacing it with a single  
7           multi-lateral body, ask the Security Council, as the  
8           need arises, to create ad hoc bodies to work on clearly-  
9           defined, discrete tasks with different groups of  
10          participants. For example, choose a group of interested  
11          parties to work out a convention banning the production  
12          of fissile materials.

13          Another recommendation of the task force is  
14          to call on UNMOBEC (phonetic), the organization  
15          established to verify the elimination of WMD in Iraq.  
16          Call on UNMOBEC to document the experience in dealing  
17          with WMD in Iraq ever since 1991, after -- ever since  
18          the end of the first Gulf War, and to do an assessment  
19          of verification methods that could be useful in further  
20          cases of non-compliance by states with their non-  
21          proliferation obligations. But once that task is  
22          completed, the task force believes that UNMOBEC should  
23          be disbanded as well.

24          That was a brief summary of many  
25          recommendations that are in the task force. I commend

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1 them to you. I've gone especially light on some of the  
2 recommendations on counterterrorism, because I knew that  
3 Ted McNamara would be here to make some comments of his  
4 own. And as Gary suggested in his introduction, Ted  
5 really has a lot of expertise over many years in dealing  
6 with this subject, and so I would prefer to defer to  
7 him.

8 Ted, why don't you come up and join us.

9 AMBASSADOR McNAMARA: Well, thank you very  
10 much, Bob and Tom and Gary. It was a great pleasure  
11 these last few months to be working with all three of  
12 you and with other members of the task force on what I  
13 think is an excellent report regarding U.N. reform, and  
14 particularly cogent recommendations with respect to what  
15 can be done and should be done and needs to be done with  
16 respect to the terrorism issues.

17 Fortunately, I should add, that on my  
18 frequent trips back and forth between New York and the  
19 U.N. and back here in Washington, I found over the  
20 course of the last six months that the attention, the  
21 interest, and the support in the U.N. for reform is  
22 higher than I've seen it in the past at least 20, 25  
23 years that I've been on and off involved with the U.N.,  
24 and hence my very strong skepticism that the U.N. is  
25 capable of being reformed has at least been moderated to

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1 some extent. And I now pronounce myself to be slightly  
2 -- ever so slightly optimistic that that will happen.

3 Let me try and summarize, because both Tom  
4 and Bob did a very good job of summarizing the reform  
5 measures that were recommended. Let me talk  
6 specifically to two types of recommendations that  
7 predominate, although they're not exclusive, with  
8 respect to the terrorism recommendations of the task  
9 force.

10 The first I'll call institutional reform,  
11 institutional problems. If we look at transnational  
12 issues over the last 20, 25, or even earlier periods,  
13 we'll see that in every one of the transnational issues,  
14 whether it's nuclear weapons, chemical weapons,  
15 biological weapons, human rights, refugees, organized  
16 crime, AIDS very recently, there is an international  
17 organization that is dedicated to that set of issues.  
18 The IAEA has been mentioned, the chemical weapons  
19 organization -- I could go through them, but this  
20 audience knows them as well as I do.

21 There is an exception to that. Every one  
22 of them has an organization except terrorism. There is  
23 no international organization, no institution, that's  
24 exclusively devoted to the issues of terrorism. The  
25 closest that we come to that, as noted here in the

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1 report, are the Security Council Commissions 1267 and  
2 1373.

3 But only the professional staffs of those  
4 committees are full-time in their devotion to the  
5 terrorism issues. The committees themselves are made up  
6 of Security Council members, generally permanent  
7 representatives, deputy permanent representatives, or in  
8 some cases lower, who have other duties and concerns, so  
9 the committees themselves are not full-time in the sense  
10 that they are focused -- their members are focused just  
11 on terrorism.

12 And this I would suggest is the greatest  
13 weakness in the international community's efforts  
14 against terrorism. There's a small office, actually a  
15 small section of a small office in Vienna, there is 1373  
16 and 1267, and that's it within the U.N.'s structure on  
17 terrorism.

18 And those institutions, particularly the  
19 last two, depend overwhelmingly on the Security Council.

20 Now, the Security Council is a great organization, and  
21 I'll have some good things to say about it when I talk  
22 about my next group of issues and problems, and that is  
23 procedural and operational ones. But as a full-time  
24 monitor, or even a part-time monitor of these  
25 committees, it leaves something to be desired. And this

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1 is noted in the task force report.

2 Let me also make mention, because it has to  
3 do with the institutional problem, that if you take a  
4 look at the recommendations of the task force almost  
5 half -- 12 out of 26 recommendations in this chapter --  
6 are made with respect to U.N.-related or U.N.-created  
7 organizations, such as the IAEA, the World Health  
8 Organization, etcetera.

9 There are no such organizations to make  
10 recommendations with respect to counterterrorism. The  
11 counterterrorism is so weak and so institutionally  
12 incapable beyond those organizations that I've just  
13 mentioned, the committees, that there really -- you  
14 can't put forward a set of coherent recommendations with  
15 respect to an organization.

16 The biggest problem in setting up the  
17 organization is that there's no definition of terrorism.

18 And while this -- one gets over the fact that we've  
19 managed to get around that problem for 10 or 12 years  
20 with less than complete treaties with respect to  
21 terrorist actions, we soon find out that without that  
22 agreed definition it's virtually impossible to set up an  
23 international U.N.-mandated organization exclusively  
24 devoted to terrorism, because the first issue that would  
25 come up in any establishment would be the mandate is for

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1 terrorism. What's terrorism?

2 No definition, no organization. And that's  
3 been the case now for a number of years. So the task  
4 force has, quite rightly, issued -- and I think it's the  
5 highest priority of the General Assembly with respect to  
6 terrorism is to get that definition issue resolved, and  
7 let's move on from there. The General Assembly has  
8 within its power and authority to resolve that issue,  
9 and I think it's time that they do so, as does the task  
10 force.

11 Now, let me move very quickly to the  
12 procedural problems that the U.N. faces, and these are  
13 also highlighted in the recommendations and in the  
14 report itself. Let me say that I think the Security  
15 Council has done an enormous amount to move the global  
16 community forward in action against terrorism.

17 There are dozens, literally dozens, of  
18 global and regional governmental organizations that, to  
19 exaggerate only slightly, didn't know how to spell  
20 "counterterrorism," let alone have any active program in  
21 counterterrorism before the Security Council stepped in  
22 in the early '90s, and certainly when the Security  
23 Council stepped in in -- as a consequence of 9/11.

24 These organizations now have, in many, many  
25 cases, action programs, action plans, cooperative

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1 efforts with each other in this area, that they didn't  
2 have before. But there are limits to how much one can  
3 expect to come from the Security Council on a regular  
4 basis.

5 As I mentioned, it has problems because it  
6 is essentially involved in crisis management. It has  
7 difficulty in managing the many committees that it has  
8 set up. The recommendations within the -- made by the  
9 task force address that issue in suggesting that the  
10 committee structures, and particularly the staffs, be  
11 examined to see how they become -- they can be made more  
12 effective, more efficient, and, frankly, more capable of  
13 dealing with the threat that we face.

14 And, additionally, the Security Council has  
15 got procedural problems in terms of management, because  
16 all of its subgroups operate by consensus. The Council  
17 itself doesn't, but the committees do. And this  
18 procedural method of operating by consensus tends to  
19 slow down the work.

20 The other procedural problem that is  
21 mentioned by the task force and recommendation, which I  
22 think is -- is extremely important is the idea of a menu  
23 of penalties. Bob has mentioned this, and I think it  
24 deserves emphasis, particularly with respect to  
25 counterterrorism, because, not surprisingly, not only

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1 doesn't terrorism have an organization, not only doesn't  
2 it have a definition, but there are no specific  
3 penalties or menu of penalties that apply with respect  
4 to terrorism.

5           The result is that each terrorism either  
6 incident or case, as it arises, is dealt with in terms  
7 of penalties, kind of sui generis, relying to some  
8 extent on precedence but without having a coherent menu  
9 of penalties which could be applied in the case of  
10 terrorism.

11           Finally, on terrorism and proliferation  
12 both, the task force very rightly says that there is a  
13 long way to go. But then it adds that, on terrorism  
14 particularly, there is an even longer way to go. And I  
15 think that pretty well defines the difference between  
16 the menu of recommendations that we have with respect to  
17 proliferation and the menu that we have with respect to  
18 terrorism.

19           Thanks.

20           MODERATOR MATTHEWS: We would like I think  
21 now, with these very good remarks to kick us off, to get  
22 into discussion and comments. And, again, I would ask  
23 if you could kindly go to the microphone and identify  
24 yourself and state your question, and then we'll  
25 respond.

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1 MR. MILLICAN: I'm Al Millican, affiliated  
2 with Washington Independent Writers. How would you sum  
3 up the recommendations on how member nations of the U.N.  
4 have been interacting with the access of evil nations,  
5 specifically Iran and North Korea? Have U.N.-related  
6 mechanisms changed or proven themselves since that  
7 language has been used? And are most member nations  
8 comfortable with evil being identified with Iran and  
9 North Korea, as well as Iraq?

10 PARTICIPANT: Let me at least try a couple  
11 of the aspects of that question. I think the issue of  
12 evil as a moral quality, or the absence of a moral  
13 quality, is not so much a set of concerns as is, in  
14 fact, the underlying deep feeling about proliferation.

15 There is, I think, a sense that perhaps  
16 North Korea and Iran don't represent regimes in which  
17 certainly many Americans would like to put their long-  
18 term trust with respect to the possession of nuclear  
19 weapons. But, you know, the underlying thesis of the  
20 non-proliferation treaty is that the more states that  
21 gain access to nuclear weapons, the greater the  
22 uncertainty in the international community about whether  
23 they will be used or not. And so this is a primary  
24 underpinning of that particular effort.

25 Secondly, and Bob may want to add some

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1 points here himself, there was I think an increased  
2 feeling among those of us in the Commission who dealt  
3 extensively with this issue. As Bob pointed out in the  
4 recommendations, that there were loopholes in the non-  
5 proliferation treaty, the fact that under the non-  
6 proliferation treaty four peaceful program states could  
7 develop access to expertise in and skill with what are  
8 called the sensitive parts of the nuclear fuel cycle.

9 The enrichment of uranium, and the  
10 separation of plutonium from spent fuel, for example,  
11 put themselves through those processes under the excuse,  
12 if you like, that they needed to have these full fuel  
13 cycle processes to retain their autonomy in the civil  
14 power program, put themselves in a position where they  
15 could then leave the non-proliferation treaty having  
16 exploited these loopholes to be in a position within  
17 months to move to a weapons program with all of the  
18 technology, with the information, and with the materials  
19 and the equipment that they had access to to, in effect,  
20 use the treaty as a stepping stone.

21 And there were several recommendations that  
22 Bob pointed out. Some included considerations about how  
23 the loopholes might be closed juridically, some having  
24 to do with indeed how one could internationally, perhaps  
25 through the Security Council, define a process of

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1 leaving the non-proliferation treaty in a way that would  
2 at least raise barriers to the exploitation and use of  
3 this technology for purposes that were directly contrary  
4 to the reasons why states originally agreed to become  
5 members of the non-proliferation treaty.

6 And so we were very conscious of this. We  
7 were very concerned about it. We did not take a view  
8 with respect to individual states, but we did express,  
9 as I did today and as Bob did today, our deep concern  
10 about the development of networks, such as that of A.Q.  
11 Khan, to take some of this material information  
12 technology ideas and become purveyors of that  
13 internationally, not only to other states but to --  
14 perhaps to organizations, non-state actors, who might be  
15 bent on using this.

16 And this, of course, comes to the major  
17 point we made today, that we are deeply concerned,  
18 particularly about the role of non-state actors whose  
19 objectives are to cause massive damage coming into  
20 possession of weapons of mass destruction, particularly  
21 nuclear weapons or so-called dirty weapons, and the  
22 danger, indeed the devastation, the damage that they  
23 could cause.

24 Bob?

25 MR. EINHORN: Just to add to this. On the

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1 specific point of North Korea and Iran, clearly North  
2 Korea and Iran are the two most worrisome proliferation  
3 issues on the current international agenda. But it's  
4 interesting that neither of these cases is before the  
5 U.N. Security Council, which is the principal organ  
6 charged with maintaining international peace and  
7 security.

8           Why is that? Well, the IAEA referred the  
9 North Korean issue to the Security Council once in 1993,  
10 another time in 2002, but both times it became clear  
11 that there was no consensus among the P5, especially  
12 because of the position of China, for addressing the  
13 matter. And so the North Korean issue has become --  
14 we're sent to the Six party talks where North Korea and  
15 its neighbors and the U.S. are trying to find a  
16 solution.

17           In the case of Iran, the IAEA found Iran  
18 guilty of 18 years of violations of Iran safeguards  
19 agreements with the IAEA. But despite this record, the  
20 IAEA Board was unwilling to refer this issue to the U.N.  
21 Security Council.

22           Now, you know, what's the problem? The  
23 problem obviously is that there isn't any P5 consensus  
24 for dealing with these two very important security  
25 problems, and that's the reality. I mean, it's -- it's

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1 just essential to build that consensus in the P5, and  
2 it's a huge diplomatic challenge for the United States  
3 in the period ahead to build that kind of consensus  
4 within the five, and the Security Council more  
5 generally. Otherwise, the Security Council is going to  
6 be absent from some of the most important security  
7 challenges we face.

8 MR. SURWOOD: Daniel Surwood from the U.S.  
9 Institute of Peace. I need to preface this by saying  
10 that I've spent a good part of my life trying to deal  
11 with non-proliferation and peaceful ways, because I want  
12 to ask about the military instrument and its  
13 relationship to what you're talking about.

14 Tom, you were Assistant Secretary I think  
15 in OES, the Non-Proliferation Bureau, the State  
16 Department, when the Iraqi reactor was attacked by the  
17 Israelis. And we were all I think suitably appalled by  
18 that act and thought it was a great setback. In  
19 retrospect, with 25 years of hindsight, I'm not so sure  
20 it was a great setback for the non-proliferation regime.

21 And, in fact, they have set back the Iraqi nuclear  
22 program almost fatally.

23 So the question arises: what alternatives  
24 to the diplomatic means that you're talking about, which  
25 are obviously to be preferred, but we'll only be able to

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1 make them effective if there are viable alternatives?

2 What kinds of military alternatives are there? I'm  
3 talking not just about destroying a reactor but the  
4 interdiction efforts that the administration has been  
5 supporting and other things of this sort.

6 What should the relationship be, the  
7 balance be, between military and diplomatic means in  
8 dealing with an issue which, after all, is a fundamental  
9 national security issue?

10 PARTICIPANT: Well, I have some thoughts on  
11 that, and as you point out, Dan, in your question, it's  
12 a preeminently complicated situation. First, with  
13 respect to the Israeli destruction of the old Iraq  
14 reactor, I think we were all surprised, and to some  
15 extent in those days we have to be honest, we're  
16 chagrined by the attack. Some of us had reason to  
17 believe that maybe the problem was on the way to  
18 solution. Others did not.

19 In effect, knowing what I know now about  
20 Saddam Hussein, I would say that we were probably a  
21 little bit naive, and that to some extent the Israeli  
22 attack achieved an immediate purpose of setting back the  
23 course perhaps of Iraqi nuclear developments. We know,  
24 however, that it didn't do so finely and completely.  
25 Other events intruded and other things happened, and we

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1 can discuss those at some length. Certainly, in my  
2 opening statement I made some points about that.

3 My second point would be that it is, in my  
4 view, particularly for some of the reasons that Bob  
5 raised in his discussion of North Korea and Iran,  
6 certainly a serious mistake to ever preemptively abandon  
7 the capacity that you have to act in self-defense under  
8 the charter. This raises, of course, many serious and  
9 difficult questions. Many have been discussed already  
10 in other activities and in other conferences.

11 But one of those particular issues is  
12 whether, under the charter, it would be seen as  
13 juridically, and even more importantly, politically  
14 right to take preemptive action against a proliferation  
15 program in order to set it back or hopefully to end it  
16 if you could.

17 The latter point is a very serious one,  
18 because we have seen over the last years, with the work  
19 of the IAEA and others, that it isn't always possible to  
20 know precisely what's going on in countries like North  
21 Korea or Iran. And, therefore, your ability to set back  
22 determines upon your ability to know what the target set  
23 is and how well you know that.

24 Admittedly, you may be able to set back  
25 things that are known overtly and things that are known

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1 through intelligence. Both of those countries have  
2 shown a considerable degree of clandestinity in the  
3 development of their programs, which is, of course, why  
4 we are all very worried about those programs.

5 I think, finally, I would say that having  
6 this possibility as a deterrent is extremely important,  
7 having this possibility to use at a time and under  
8 circumstances where you believe, in fact, and can make a  
9 very strong case that it represents an act of serious  
10 self-defense, in my view, would be important to  
11 preserve.

12 The third point I would make is that in  
13 addition to these actions, there are also actions that  
14 are available to us under the charter. They would  
15 require the Security Council to operate. Those are some  
16 of the actions that we took in Iraq leading up to the  
17 first Gulf War, establishing a sanctions regime, and  
18 some of the actions that we took following that war in  
19 creating a cease-fire resolution which also incorporated  
20 a very intrusive inspection mechanism, which turned out,  
21 I think in retrospect, to be more effective than many of  
22 us believed at the time, and more effective even at the  
23 beginning of the Iraq War than I think was widely  
24 understood or broadly understood, even by those who  
25 actually participated in the operation of that mechanism

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1 until a later time. These are all options and  
2 opportunities.

3 I would, finally, say that as someone who  
4 has made diplomacy a long part of his career, it would  
5 be useful in my view to keep the resort to the use of  
6 force as a last resort rather than a first resort for a  
7 whole series of reasons -- in another conference, at  
8 another time, in another place, would be worthwhile  
9 going into. But probably not here.

10 I think that in that regard the nexus  
11 between the operation or the use of force in self-  
12 defense, even preventatively or preemptively, would have  
13 to be very tightly constructed and very broadly  
14 supported, I believe, to make that at least juridically  
15 the kind of option that we would like to resort to. But  
16 I believe, in fact, that that can be done, and I believe  
17 that in this particular case, in this set of issues,  
18 that is particularly important.

19 I would, finally, say it would also help, I  
20 believe, to concentrate mine's and the other members of  
21 the Security Council when it came time to take measures  
22 that were less than the use of force to seek and perhaps  
23 to gain their support and assistance for those kinds of  
24 measures in the hopes that at least the use of force  
25 could be avoided, although I would not be one to say

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1 that I would be widely enthusiastic about taking wild  
2 chances on the development of new nuclear capabilities  
3 that might threaten this country, either through the  
4 nexus of non-state actors in terrorism, or directly,  
5 without at least giving very serious consideration to  
6 that option.

7 PARTICIPANT: I'd just like to add one  
8 thing to that. For peaceful diplomatic measures often  
9 to be effective, you really often do need the threat of  
10 stronger measures in the background, whether there's  
11 economic pressures and sanctions, or even the use of  
12 military force.

13 And just -- it's worth recalling that  
14 Saddam Hussein only accepted the very rigorous  
15 verification measures contained in Resolution 1441 in  
16 December 2002 when the threat of U.S. military action  
17 was imminent. It took U.S. forces being deployed at a  
18 rapid rate -- rate to the region to get Saddam to agree  
19 to these inspection measures.

20 MS. PERLMAN: Diane Perlman. I'm a  
21 political psychologist, and I write about psychology of  
22 terrorism, nuclear proliferation, unintended  
23 consequences, and conflict transformation. Also, root  
24 causes, addressing root causes.

25 And one of the things I notice, you know,

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1 not just here but I guess in meetings like this in  
2 Washington, there is a lot of thoroughness and attention  
3 to the supply side of terrorism and weapons, but not so  
4 much to the demand side and working on -- if you  
5 consider weapons a symptom, dealing with the symptom  
6 rather than the cause or first order change rather than  
7 second order change.

8 And there is also an emphasis on -- a  
9 belief in sanctions, penalties, punishment, that kind of  
10 external control which in some cases doesn't address the  
11 psychological symbolic meaning where those may not hold  
12 and escalation of tension is provocative.

13 So could -- is there any attention or is  
14 anybody dealing with the root causes and issues like  
15 asymmetrical power, humiliation? Or like with Iran,  
16 like you can all have nuclear power but we can't, so  
17 it's very humiliating and the public -- it arouses  
18 public support for more extreme groups, issues like  
19 that.

20 PARTICIPANT: I think it's an extremely  
21 good point and a very important and perceptive one.  
22 There are two aspects of it that I'd like to address.  
23 One has to do with: should we deny Iran nuclear power?  
24 We did not really discuss this issue at some length?  
25 It is perhaps -- Bob, you'll maybe correct me if you

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1 think I'm wrong -- implicit in our recommendations that  
2 we were not taking such a view, that Iran should be ipso  
3 facto and completely denied access to civil nuclear  
4 power programs.

5 We did take a strong view, and I think it's  
6 explicit in the report, that we would not like to see  
7 Iran or North Korea have enrichment or reprocessing  
8 technology because of the immediate dangers that those  
9 technologies pose to their ability to escalate rapidly.

10 North Korea is already, of course, out of the treaty,  
11 so no longer bound by the treaty, but Iran to escalate  
12 rapidly and take itself out of the treaty.

13 The second set of questions here on the  
14 issue has to do, in my view, with regional security  
15 arrangements. And I believe here that it is important  
16 to give thought -- and I've spoken about this in  
17 connection with the effort that is now launched to deal  
18 with Iran's drive as we perceive it, as we see it, to  
19 proliferate, to deal with the situation to the greatest  
20 extent possible in the region.

21 And my own feeling is that a regional  
22 security effort in and around Iran, to incorporate Iran  
23 if you can, would be extremely important to put on the  
24 table as part of the negotiating arrangements at the  
25 appropriate time.

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1           That security effort could have involved in  
2           it many of the traditional efforts that were made across  
3           the Iron Curtain in Europe to avoid calamitous  
4           miscalculation, including notices of maneuvers and  
5           perhaps negotiated arms control arrangements on the  
6           conventional side.

7           But most importantly, I think it might also  
8           contain or seek to contain a set of guarantees against  
9           nuclear threats. I would only offer the guarantees to  
10          states that didn't become nuclear in the region. Iran  
11          perhaps and its neighbors might be one grouping that  
12          could be considered in this, but I would hope that the  
13          nuclear powers might consider providing such a series of  
14          guarantees so that the Iranians could at least look to  
15          others were they to feel that the only guarantee they  
16          had against nuclear threats was to create their own  
17          weapons program.

18          Whether those guarantees would be  
19          believable or not, I don't know. But if it were the  
20          permanent five members of the Security Council, there  
21          might be obviously a little more persuasive character in  
22          that than just the United States alone. But I think we  
23          need to give thought to that particular kind of  
24          approach. It's important.

25          I think, obviously, all the other states in

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1 the region need to have it. One of the deep concerns we  
2 have about Iranian proliferation is that it will set off  
3 a string of further proliferations in the region in  
4 neighboring states, and I leave only to your imagination  
5 -- it's no secret as to where that might go and how  
6 rapidly, but that adds further to the deterioration of  
7 the situation.

8 And there is a chance that regional  
9 security and regional security activities might help. I  
10 don't believe they're the instant, one-time, silver  
11 bullet cure. But I believe they could make a positive  
12 contribution to helping to resolve that issue, along  
13 with all of the other things that we have discussed and  
14 perhaps some others that haven't yet been discuss here.

15 PARTICIPANT: Yes, a comment on that. I  
16 agree that the use of power and the method by which the  
17 power is used, as you point out, is critical to the way  
18 in which the -- that person or individual state that  
19 faces the power is going to react. And I -- in the case  
20 of terrorism, I think we can look at Libya and see how  
21 we attacked Libya in the 1980s, and I think it's fair to  
22 say that we -- we provoked Kadafi to more terrorism than  
23 might otherwise have been the case.

24 The policy, then, changed in the 1980s --  
25 '90s, excuse me -- under Bush 41, and the effort was to

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1 take the case of Libya to the United Nations. And  
2 instead of moving either militarily or unilaterally,  
3 that we would move non-militarily and multilaterally  
4 within the U.N. context. And, finally, it was that  
5 action that put Kadafi in the box that he remained in  
6 through the 19 -- most of the 1990s.

7 But let me make a kind of behind the scenes  
8 -- and, Tom, you were involved in this as much as I was  
9 -- that when we went for the U.N. solution in 1991 the  
10 word was very plain that if that couldn't or wouldn't  
11 work, that the United States reserved the right to take  
12 other actions that might be necessary.

13 And the other interesting point, which  
14 hasn't really come out very much in the subsequent press  
15 treatment of the Libyan so-called -- well, actually,  
16 they were -- targeted sanctions is that it was because  
17 of the unity of the P5 in the U.N. and of the majority  
18 of the other members of the Security Council that those  
19 sanctions were able to be maintained for six, seven  
20 years, eight years almost.

21 And it was the breakdown of the unity of  
22 the P5 with respect to the sanctions that caused the  
23 ultimate kind of compromise solution that led to the  
24 Libyans turning over the two individuals for trial, but  
25 not immediately, not until much later admitting

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1 responsibility for the acts.

2 So even when you go to the U.N., the threat  
3 of the use of force in the background sometimes has a  
4 very positive effect. I remember once Kofi Annan coming  
5 back from a session with Saddam Hussein in the -- I  
6 believe it was about 1999 or thereabouts in which he was  
7 questioned by reporters out at JFK Airport as he got off  
8 the plane from his trip, and announced -- said, "Well,  
9 it was a fairly productive meeting."

10 And one of the reporters said, "Well, do  
11 you really think that diplomacy has any value?" And  
12 Kofi Annan said, "Well, yes. Diplomacy has quite a bit  
13 of value." And diplomacy, backed up by the threat of  
14 force, has even more value.

15 (Laughter.)

16 MR. TUPPERMAN: Brian Tupperman. I'm part  
17 of Ambassador McNamara's class. Would it be in line  
18 with the task force's recommendations to empower --  
19 would it be in line with their recommendations to  
20 empower the U.N. to proactively become a major player in  
21 disarmament negotiations such as in the case of the Six  
22 party talks on the Korean Peninsula, or the Iranian  
23 talks?

24 PARTICIPANT: I don't think so. The major  
25 powers, including the U.S., have, in general,

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1 discouraged the U.N. Secretary General and Secretariat  
2 to play an independent activist role in these areas.  
3 The Secretary General has his own bully pulpit and can  
4 from time to time make statements, draw international  
5 attention to an issue, help set the international  
6 agenda.

7 But I -- I don't see the Secretary General,  
8 and I don't believe the task force would see the  
9 Secretary General, playing much of a negotiating role in  
10 that context. I don't think it would be terribly  
11 useful. I think more important would be for the P5 to  
12 get together.

13 All the P5 are not direct participants,  
14 say, in the Six party talks. But I think if they  
15 provided a signal that if North Korea doesn't eventually  
16 agree to give up this capability, there could be strong  
17 action by the Council. This could have a positive  
18 effect, but I don't see the Secretary General or the  
19 Secretariat playing a big role in that.

20 PARTICIPANT: Could I just add a point or  
21 two? The U.N. doesn't represent a force to accept  
22 obligations under disarmament, since it doesn't have  
23 armament. And, therefore, its ability to play a role at  
24 the table and provide quid pro quos, to actually offer  
25 and receive considerations in a situation where

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1 compromise is required, makes it in a different -- puts  
2 it in a different position.

3 And, therefore, I agree with Bob that it is  
4 not a seminal actor in these kinds of activities. But I  
5 could add, Bob -- and I don't think you would differ  
6 with me -- that a number of disarmament negotiations  
7 that I have been involved in have had a representative  
8 of the Secretary General sitting in the room. And  
9 occasionally that representative has been very useful in  
10 passing ideas back and forth, in listening to both  
11 sides, and in making suggestions.

12 It's always done in a very private and  
13 bilateral way, so that the Secretary General is acutely  
14 conscious of the sensitivity of the parties and their  
15 ability to make moves and their ability to, perhaps  
16 through him and his representative, understand what  
17 other sides are thinking and what might be possible  
18 openings. And to some extent, it may be just kind of  
19 reinforcing the obvious. In other cases, sometimes  
20 parties to negotiations talk more than they listen.

21 And the Security Council -- the Secretary  
22 General's representative can often help them begin to  
23 listen as well as to talk. And so there are some useful  
24 roles that can be played by in an entirely different  
25 way, in a facilitating or mediating character, and

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1 obviously these have to be done with great care, and  
2 they have to be done in a way that continues to build up  
3 the capability of the U.N. to do this, not tears it  
4 down.

5 And, unfortunately, in the past some of the  
6 U.N. intermediaries have been in the more teardown than  
7 buildup role, and that has led to complaints. So it  
8 isn't a process that's entirely free of controversy or  
9 difficulty.

10 MR. TUPPERMAN: Thank you.

11 MR. HAMMOND: Hi. I'm Don Hammond from New  
12 Central. It seems like the inability to define  
13 "terrorism" is holding up a lot of important actions.  
14 Why has the U.N. not taken up this very tender task?  
15 And before you answer that, could one of you gentlemen  
16 define "terrorism" for us in a very clear and concise  
17 manner?

18 (Laughter.)

19 PARTICIPANT: Thanks a lot, Tom.

20 (Laughter.)

21 I -- there is a definition that I think is  
22 a useful working definition, which draws heavily on the  
23 U.S. Code, which says very simply that terrorism is the  
24 use -- the use of force or the threat of the use of  
25 force against non-combatants, with the primary intention

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1 of causing death and destruction of people and property  
2 for political purposes and objectives.

3 So, and I think it's a fairly good working  
4 definition. It's one that, with a few adjustments,  
5 comes pretty close to the definition that was suggested  
6 by the high-level panel. With respect to how much that  
7 has limited the international community, I think -- in  
8 its actions against terrorism and its attempt to counter  
9 the terrorist threat, I think it has been significant.

10 But it's been significant in the sense that  
11 legally, and even legitimately, it calls into question  
12 time and time again whether or not actions and policies  
13 constitute terrorism. It doesn't prevent the  
14 international community from taking action against  
15 specific kinds of terrorism, where you don't require a  
16 comprehensive definition.

17 What you need is, for example, just to  
18 define what is a bomb -- an attack on a civilian  
19 aviation -- civilian airliner? An attack on a civilian  
20 airliner can be condemned without saying that this  
21 constitutes terrorism. Of the 12 international  
22 counterterrorism conventions, and the 13th which is now  
23 under discussion in the Security -- or, excuse me, in  
24 the General Assembly -- having been reported out by the  
25 committee, of those 12 only two of them actually define

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1 the acts that they are condemning and agreeing that the  
2 international community can take action against are  
3 described in terms of terrorism.

4 So how limiting is it? It's -- when it  
5 comes to specific actions by specific states about  
6 categories of what we would call terrorist actions, it's  
7 probably not as limiting as it is institutionally in  
8 being able to establish the types of organizations that  
9 we've been able to set up, because back in 19 -- in  
10 proliferation, because back in 1965 the international  
11 community sat down and signed on to a definition of what  
12 is proliferation and what needs to be controlled.

13 As a result, the IAEA and all these other  
14 things have been able to evolve. The IAEA wasn't --  
15 IAEA was not nearly as strong in 1965 as it is in 2005.

16 We haven't been able to start down that path with  
17 respect to counterterrorism, and one of the biggest  
18 obstacles has been the lack of a definition.

19 PARTICIPANT: Do you want to know why  
20 people haven't been able to reach an agreement?

21 MR. HAMMOND: Yes. What's the reluctance?  
22 If they haven't --

23 PARTICIPANT: One man's terrorist is  
24 another man's freedom-fighter I guess is the simplest  
25 explanation.

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1           PARTICIPANT: The two biggest problems have  
2 been freedom-fighters -- that is to say, national  
3 liberation movements. But they are tending to diminish  
4 in importance because there's not that much territory  
5 left to liberate. But nonetheless, for example, South  
6 Africa has a history of having participated in activity  
7 which, under any definition, would be considered  
8 terrorism on both sides, both the apartheid regime and  
9 the AANC.

10           So there's a reluctance because of that for  
11 them to admit it, and other countries also have done so,  
12 and, therefore, national liberation movements are  
13 supposed to be exempted according to some.

14           The second area which is much more  
15 important in contemporary political and world affairs is  
16 occupying forces are not -- anything one does,  
17 absolutely anything one does against an occupier is  
18 legitimized according to some, and should not be  
19 considered terrorism.

20           If you exempt that category, that means  
21 that, for example, one could claim that peacekeeping  
22 operations carried out by the U.N. or by any group of  
23 nations collectively might be exempt from the terrorism  
24 definition if they're attacked.

25           And certainly the Israeli occupation in the

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1 Middle East would be, under that definition, exempted,  
2 as would be I'm sure our activities in Iraq,  
3 Afghanistan, or almost any activity where a foreign  
4 organization/state or entity brings in even police  
5 forces or comes in simply to -- to straighten out, say,  
6 Sierra Leone or Somalia, without any intention of  
7 actually conducting military operations.

8 They would be occupying, and, therefore,  
9 exempt from the protection of a terrorism definition.

10 MR. TOBIN: Ben Tobin from PoWash  
11 (phonetic) Conferences on Science and World Affairs. I  
12 was wondering if you could expand on how the U.N. and  
13 the international community should treat those nations  
14 who are unwilling to sign the NPT or the additional  
15 protocols.

16 PARTICIPANT: Well, on the additional  
17 protocol, there are a number of proposals that have been  
18 put forward and some very good ones. The Bush  
19 administration, for example, has said that nuclear  
20 suppliers should get together and say they will only  
21 engage in nuclear cooperation with countries that have  
22 adhered to the additional protocol. And I think that's  
23 a very strong inducement for countries to join and to  
24 make the additional protocol universal.

25 In terms of making the NPT universal,

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1 that's a much more difficult thing. We have tried for  
2 years to promote universal adherence. We've gotten very  
3 close. At one point, there were only three countries in  
4 the world that were not party to the NPT -- India,  
5 Pakistan, and Israel. Now, North Korea claims to have  
6 withdrawn from the NPT, although there are some who  
7 doubt whether this is a legal withdrawal.

8 But I think at this point it's very  
9 unrealistic to expect that any of these three original  
10 holdout countries -- India, Pakistan, Israel -- can be  
11 induced to give up their nuclear weapons and join the  
12 NPT as non-nuclear weapon states. I think it -- you  
13 know, it's realistically just not in the cards.

14 MS. BADGER: Hello. I'm Sabrina Badger  
15 from Senator Reid's office of Nevada. And I had a  
16 supplementary question to Mr. Hammond's on the matter of  
17 defining terrorism. It seems to me like it would be  
18 somewhat difficult to get the member nations of United  
19 Nations to agree to include state terror in the  
20 definition of "terrorism," not only as occupying powers,  
21 but in many ways to sort of defend their sovereignty.  
22 Do you think that this would inhibit the United Nations'  
23 ability to fight terrorism?

24 PARTICIPANT: It's difficult to -- to say  
25 what every nation would do. I think the great majority

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1 do not find that to be an obstacle to a -- number one, a  
2 definition, and, number two, to any international  
3 activity that would advance and promote counterterrorism  
4 efforts. And the reason is because it's very difficult  
5 to find cases that would constitute state terrorism that  
6 would also -- not also be violations of other  
7 international agreements and obligations.

8           The most usual example of a case where some  
9 people would like to see the -- the definition be  
10 inclusive of certain actions would be with respect to  
11 military forces that engage in activities such as terror  
12 against a civilian population, whether or not the  
13 military forces were occupying the country or not.

14           The need for that, however, is quite a bit  
15 less, because immediately if it was an organized  
16 military force the Geneva Conventions on the rules of  
17 law, the so-called Laws of War, would come into effect.

18  
19           And the Laws of War -- my guess is that  
20 once we do get such a definition in terrorism, you would  
21 prefer to go and, if you will, prosecute or pursue the  
22 case under the Laws of War rather than this definition  
23 of "terrorism," because it's very unlikely that we're  
24 going to get the types of specific detailed laws in --  
25 into the terrorism field that we already have over the

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1 course of the last century produced and developed and  
2 evolved with respect to the use of force by states.

3 MS. BADGER: Thank you.

4 MODERATOR MATTHEWS: Thank you.

5 I might say this is an appropriate moment,  
6 since we are shortly before 4:00, which is when we were  
7 going to conclude, to note that in the discussion today,  
8 and indeed in many of the recommendations of the task  
9 force, in this area as well as in some of the other  
10 areas, there is mention made of control mechanisms and  
11 punitive sanctions.

12 For those of you who may have left your car  
13 on a parking meter outside --

14 (Laughter.)

15 -- at 4:00 p.m. today, I can assure you  
16 that ticketing and worse, towing, can occur, assuming  
17 you have your car there.

18 PARTICIPANT: Can I just make one point? A  
19 lot of the questions went -- and certainly the answers  
20 ventured -- well beyond where the Commission report  
21 went. And so I would say for the authoritative review  
22 of the Commission's findings, look at the document,  
23 don't rely on what we have had to say here today,  
24 because many of us were put into a position of  
25 expressing our own personal views beyond where the

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1 Commission went.

2           And I'd just like to make sure that people  
3 understand that and don't make assumptions about the  
4 answers. Check it in the specific recommendations in  
5 the Commission report.

6           MODERATOR MATTHEWS: Good point. Good  
7 point.

8           And we are very grateful to all of you for  
9 coming out. It's been a good program. I think it has  
10 illustrated a lot of the -- I mean, the very hard work  
11 and thoughtful hard work that went into the task force  
12 report.

13           Thank you all very much.

14           (Applause.)

15           (Whereupon, at 4:00 p.m., the proceedings  
16 in the foregoing matter were concluded.)

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