

TERRORISM, WEAPONS OF MASS DESTRUCTION AND THE CRISIS OF NON-PROLIFERATION REGIMES

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INTRODUCTION

This paper addresses two distinct problems with their own origins, dynamics and driving factors, which at some point became dangerously linked: proliferations of weapons of mass destruction (WMD) and terrorism. There is much discussion about the potential use of WMD by terrorists; enormous resources are being pumped into countering that threat; new businesses to produce special devices and consultancies to recommend countermeasure strategies are prospering. Is all this money worth spending? The order in which the subjects are dealt with in this paper, differs from what may stem from the title, as in the view of the author, it better reflects historical developments (in fact, the first two substantive sections are being proposed as a background material, and the third one – as a basis for actual debate).

OVERVIEW OF NON-PROLIFERATION REGIMES

The problem of non-proliferation of WMD is almost as old as WMD themselves. According to the UN definition, they include nuclear, biological, chemical and radiological weapons. The regimes currently in place have evolved over the years since the WWII, the most important of them being the nuclear one. In fact, the first US proposal for nuclear disarmament, known as the Baruch Plan, which was put forward when the US was still the only nuclear weapons state, was an excellent non-proliferation project. The only problem with it was that the USSR was busy making the Bomb of its own, and could not agree to freeze its nuclear program. (Differences on verification and inspections, to which many researchers attribute the failure of negotiations on nuclear disarmament in the late 1940s, were, in fact, not insurmountable, and were in fact bridged just before negotiations collapsed). As both the US and the USSR built enough nuclear weapons and went through several brinkmanship showdowns, both learnt to understand their

limits and interests as the two superpowers. That included the realization that security interests of neither of them and their accepted rules of competition would be served by further increase in the number of nuclear weapons states. The UK soon joined that understanding, and thus the 1968 Treaty on the Non-Proliferation of Nuclear Weapons became possible.

However, it was a deal of limited duration (20 years after the entry into force parties had to decide whether to extend it indefinitely), nuclear weapons states undertook to pursue nuclear disarmament in good faith, and the right of non nuclear weapon states to pursue peaceful nuclear activities under appropriate safeguards was recognized. Later, as France and China achieved the level of sufficiency, and accepted similar premises of nuclear status quo, they also joined the club. In the meantime, several developed nations, mostly from Western Europe, after having achieved significant progress in developing their own nuclear arsenals, decided to forgo the nuclear option as not serving their security interests in the Cold War environment. Those included Sweden, the Netherlands, Italy and, according to some accounts, FRG, although it had been prohibited to have WMD in any case. Rumania under Causcescu and FRY under Tito also played with the nuclear option, but lacked resources and know-how. At a later stage, US and Soviet pressure convinced the then military governments of Argentina and Brazil and to freeze their nuclear weapons development and helped avoid the nuclear arms race in Latin America. Massive Soviet intelligence and diplomatic operation in 1977, supported by the US helped delay South Africa (forever, as it turned out to be) becoming an open nuclear weapon state, although the apartheid regime managed to master nuclear weapons and other WMD technologies. The notable exception of that period was Israel which is widely believed to possess nuclear arsenal, but sticks to the policy of neither confirming, not denying that.

The nuclear non-proliferation regime has several important legal and organizational components, including NPT, IAEA (agency entrusted with the safeguards implementation and promotion of peaceful uses of nuclear energy, Zangger Committee, Nuclear Suppliers' Group (NSG), several Nuclear Weapons Free Zones. In addition, there was a network of bilateral consultations , the most important of them being between Washington and Moscow. In the worst periods of the Cold War, when all other channels of communications between the superpowers were interrupted, these consultations continued regularly and provided the only bilateral channel of direct dialogue on major international strategic issues,

The regimes for biological and chemical weapons were not so elaborate and certainly were receiving much less attention. The 1972 Biological and Toxin Weapons Convention contained non-proliferation obligations, but as was the case with all its provisions, they were not supported by any verification and compliance mechanism. However, the BWC 's advantage was that the convention was much more comprehensive in scope and non-discriminatory, in the sense that it prohibited both possession and proliferation of weapons. By contrast, the Chemical Weapons Convention of 1992, which also outlaws chemical weapons completely, was provided with the most elaborate and modern verification system, covering not only weapons and related storage and production facilities, but also a good chunk of global chemical industry to insure that legitimate chemical production is not used to manufacture chemical weapons and their components. However, the CWC came about too late to affect developments in 1970s and 1980s (CW programs in Iraq, and earlier in Egypt and Syria), while the BWC was simply lacking any enforcement mechanisms. The proliferation of CW and BW in the 80s prompted the creation of the so-called Australia Group – informal arrangement of chemical suppliers, later extended to biological area, to help prevent proliferators from acquiring technology and precursors under the disguise of legitimate development projects. This group, despite its recent numerical growth, remains limited, and is often criticized by developing countries for taking biased positions – in other words, it does not have global credibility.

That said, despite all their shortcomings and lacunae, the regimes were performing the their role - that of helping maintained stability and global status quo – more or less satisfactorily until early 1990s

THE CRISIS OF REGIMES

Several developments during the last decade of the past century put in doubt both the very foundations of non-proliferation regimes and their effectiveness,

1. The end of the bipolar world and the acceleration of globalization process deserve mentioning in the first place. The status quo , the way it had been perceived for several decades after WWII, has gone away. Russia, the successor state to the former Soviet Union, lost much of a political ground and, despite retaining the second-to none strategic

nuclear arsenal, ceased to be a number one global competitor of the US and a protector of friendly states. Its economic downfall made it clearly impossible to sustain the armed forces it used to have, and the collapse of internal power structures largely deprived it of coherent foreign policy, underpinned by a common understanding of Russia's national interest. The latter itself became something quite evasive with a large variety of economic and political groupings fighting for dominant positions in the country. As a result, while relations with the West improved, Russian leadership often could not deliver on agreements reached; while the weakening of conventional armed forces forced Russia to rely much more on its nuclear arsenal and hence should have increased its interest in preventing proliferation, it became much more passive on that front, while a number of individuals and entities from the former Soviet military-industrial complex engaged heavily in offering for sale the high-tech military and dual-use assets of the former Soviet Union, including proliferation-sensitive know-how, equipment and materials. A number of attempts by aspiring proliferator countries and even non-state actors to gain access to Russian WMD know-how have been registered; at the same time security at Russian WMD-related sites was deteriorating rapidly, and Russia found itself incapable of dismantling and reprocessing weapons that were being decommissioned under arms control treaties or due to other reasons. Having no other choice, Russia had to accept (often reluctantly) foreign assistance in destruction of WMD and upgrading security of its WMD sites. **In short, Russia failed to inherit the strong anti-proliferation policy of the Soviet Union and, instead, became a proliferation risk. The situation started to improve only a decade later.** However, world's public perception of non-proliferation underwent serious change in the sense that securing and disposal of weapons in Russia became the most important task in this area. It was, of course an important, but hardly the only task

2. The United States, after initial worries about the fate of Soviet nuclear weapons and other WMD-related materials left in some of the former Soviet republics, also had lost a decade, adjusting to the new situation. No longer forced to take into serious consideration Moscow's views and assessments regarding regional situations, proliferation threats, etc, and no longer feeling the need to engage in serious disarmament efforts, and already feeling strong internal pressure to arrogate the ABM treaty, Washington, perhaps half-

willingly, half-unwillingly, significantly downgraded disarmament and non-proliferation on the scale of its priorities. That happened despite numerous warnings from Clinton's senior foreign policy advisers and from the academic circles. At the same time, new concepts, based on implicit recognition of failure of traditional regimes, started to gain ground, originating primarily from the Pentagon. Counter-proliferation, which meant surgical strikes against WMD targets in third countries was becoming more popular a word than non-proliferation. The problem with that was that counter-proliferation strategies could only be applied in a more discriminatory way than non-proliferation and export control measures, thus leading to another innovation: the theory that there are good and bad proliferators. The former could be tolerated, while the latter deserved severe punishment. In short, **on the US side one could observe gradual disengagement from disarmament and arms control, focusing non-proliferation concerns on former Soviet capabilities and more discriminatory approach to countries aspiring for WMD.** At least some of these changes were undermining basic non-proliferation deals intended to ensure stability and credibility of relevant regimes.

3. The end of bipolarity and status quo, removal of the risk of global nuclear confrontation between the two superpowers, together with the dilution of several basic norms and taboos of the last century (inviolability of national borders, non-interference in internal affairs, etc) brought about a serious review of priorities in other major countries as well. **Those include the search of new guarantees against aggression or military coercion, access to energy and other critical natural resources (or alternative solutions, like the revival of nuclear-based energy production) and gradual search for new geo-strategic coalitions.** In some cases, like India, Pakistan, North Korea that went as far as the development of nuclear weapons capabilities. In this game, again, traditional non-proliferation ended up as a loser.
4. Against this macro-political background, **developments within various non-proliferation regimes had mixed results.** On the one hand, IAEA was capable of drawing upon lessons of its failure to discover the Iraqi nuclear weapons program prior to the first Gulf war; CWC successfully entered into force and made a significant contribution to non-proliferation of chemical weapons; Libyan leadership has taken a historical decision to forgo WMD programs

(contrary to widely spread belief that decision was not a result of the second war against Iraq, but rather stemmed from the conclusion of the Libyan leadership to change strategic orientation from the Middle East to Africa and to reintegrate the country into the world market, taking full advantage of rising oil prices). On the other hand, an erroneous decision to extend the NPT indefinitely was taken in 1995; the nuclear weapons states failed to live up to their commitments in the area of nuclear disarmament, given at the 2000 NPT Review Conference as a price for the indefinite extension; in 1998 India and Pakistan openly became nuclear weapon states, and a few years later controversies around North Korean decision to leave NPT and announce possession of nuclear weapons and around Iranian nuclear programs flared up. In 2001 efforts to negotiate what in effect was supposed to become verification protocol to the BWC collapsed as a result of Washington's decision to block the emerging agreement (to the relief of several other states). Finally, the war on Iraq under the false pretext of the imminent danger from Saddam's WMD, in combination with the simultaneous and deliberately timed withdrawal from NPT by North Korea weakened the credibility of nuclear and other non-proliferation regimes even further. Finally, the "technical" shortcomings of the regimes became much more evident. For example, nuclear non-proliferation regime in fact does allow to build up the so-called break-out capability; the non-proliferation provisions of the CWC are not supported by specific verification provisions, and the BWC will remain without any system of verification and enforcement for the foreseeable future.

- 5. In the light of the above, it is difficult to argue that non-proliferation regimes in general are in a good state of health.** In some cases, for example, with the CWC, the situation is much better than others, especially with the NPT. A failure to resolve the North Korean or Iranian problems, or any other drop-out from the NPT may start a chain reaction, leading to the emergence of several new nuclear weapon states in Asia, Latin America and even Europe.

TERRORISM, PROLIFERATION AND THE FUTURE OF REGIMES.

1. It was not the purpose of this paper to analyze the terrorism as a phenomenon or define the characteristics of the current phase in its evolution. It would be worth saying, however, that since the

beginning of 1990s terrorism began to outgrow its former regional or national dimensions, became more international, more ideological and more strategic in its objectives. At the same time, during the last decade terrorist organizations started to express growing interest in mass destruction and /or effect. This is not to say that traditional forms of terrorist activities, like targeted car bomb attacks, for example, have been put aside. Another noteworthy new element was that terrorist organizations went into the business of taking control over whole territories, especially where respective states were failing to adequately enforce law and order. Examples include Afghanistan, North-Western frontier of Pakistan, Sudan, Somalia and Chechnya. It is a known fact that in early to mid 1990s the Japanese Aum Shinrikyo launched a major operation in the former Soviet Union in order to get access to nuclear and chemical weapons technologies, and for a time succeeded in buying cooperation from very highly placed corrupt officials. Al-Qaeda also has shown interest in acquiring nuclear and chemical weapons capabilities. Control of territory allows a terrorist organization to set up training, research and development, testing and production facilities, including for the WMD purposes.

2. The current problems with non-proliferation system, discussed above, obviously increase the danger of terrorist use of weapons of mass destruction in several ways. First, and rather obvious, is the very fact that with the increase of the number of possessor states, the chances for a terrorist organization to find a loophole in national WMD protection system or to hire WMD scientists and engineers also grow. The spread of WMD technology simply makes it more accessible to non-state actors. There is also an increased danger, as the Khan network shows, that governments might lose control over their scientists who may, for whatever reasons, look for dubious contacts in search of missing elements of WMD infrastructure they are called upon to set up or simply for ideological reasons. The Khan saga is especially interesting in the sense that he turned Pakistan into an illegal supplier of WMD technology even before this country succeeded in acquiring nuclear weapons. Furthermore, proliferation helps legitimize WMD, turns them into something ordinary, thus reducing psychological barriers against their acquisition and use by anybody. Regrettably, attempts by the US to develop nuclear weapons for strikes against hardened WMD bunkers in newly

proliferating states or in the hands of terrorists, lead to similar results.

3. A big question arises, however: how serious is the risk of the terrorist use of WMD, and what are the most likely scenarios for that?
 - a) It is rather unlikely that terrorists might explode a nuclear, chemical or biological weapon stolen by them from a military storage or maintenance facility or en route. These weapons have many in-built protection devices; besides it would be too difficult for them to transport the device to a place of intended use, without the risk of being intercepted. The attempted theft, however, cannot be ruled out, since even the possession of such a stolen device, coupled with the uncertainty about terrorists' ability to use it, would create a major disruption.
 - b) It seems a bit more likely that terrorists might open a stolen device with the view of obtaining nuclear or other materials from it and making a crude device of their own – after all they do not need the degree of sophistication, expected from military munitions. However, in this case they would also face the problem with transportation, and, like in scenario a) would lose the effect of surprise. Despite these arguments, the risk of theft has to be dealt with very seriously.
 - c) A question that requires separate consideration is whether the terrorists could obtain a sufficient amount of HEU without the theft being noticed, and build a crude nuclear explosive device. If that is feasible, and despite the subsequent difficulties with transportation, this scenario would become very dangerous indeed.
 - d) The options that are much easier for terrorists to pursue include stealing or synthesizing toxic chemicals (again, they do not necessarily need the quality of chemical warfare agents), stealing small amounts of biological culture from laboratories lacking adequate security, and then growing it, obtaining radioactive materials for the purpose of making a radiological weapon (there is good supply of such materials that are used in hospitals and other places).
 - e) However, we should not think only about terrorists' stealing or making weapons. The effect of mass destruction or disruption, as 9/11 shows, can be achieved by other means and with

greater element of surprise. More detailed discussion could take place during the Course.

One has to recognize that much depends on the purpose of a particular terrorist operation. But generally one should give more credibility to scenarios based on surprise, high visibility and irreversibility and resulting in heavy economic losses.

IN CONCLUSION

The crisis of non-proliferation regimes has significantly increased the risk of terrorist use of WMD. This alone, not to mention other reasons, calls upon urgent action to repair those regimes, which should include renovation, adding missing elements, complete reconceptualization of certain mechanisms and last, but not least, restoring credibility of original deals underpinning the regimes, especially in the area of nuclear disarmament. It should not be forgotten either that many arms control treaties have an underutilized potential of helping to prevent unauthorized access to weapons and dangerous materials and technologies

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