

Final

Selected issues regarding international terrorism

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Presented at:
'The Balance of Power in Europe 2035: Implications for Defence and Security'
13–14 November 2003
SIPRI
Solna, Sweden

I. Introduction

There is a widely held perception that the threat posed by non-state, transnational actors has increased significantly and will continue to grow in future. Europe's intelligence services and law enforcement agencies have extensive experience in dealing with violent political-based movements, including the Red Brigade, the Baider-Meinhoff Gang and Basque separatists. In addition, a number of religious motivated attacks by Islamic extremists have been prevented. In 1994 French authorities prevented the Group Islamique Armé (GIA) from crashing an airplane into the Eiffel Tower. The aircraft was stormed by French special forces while it was being refuelled. Italian authorities have taken steps to protect a 15th century fresco in a Bologna church which depicts Mohammed in the ninth circle of hell due to information indicating that the fresco has become the target of some Muslim groups.

Present-day Islam-based extremism may pose a qualitatively different threat than that faced by Europe in the past. Such groups may be more willing to resort to higher levels of violence without prior warning. There is a view that traditional deterrence concepts are not applicable in such cases. Such groups may also enjoy more extensive international support by both state and non-state actors, thus leading to a situation in which the distinction between domestic and international groups becomes increasingly blurred. The possibilities for internationalizing the cause of Basque separatists, for example, are limited when compared to groups engaged in religious or 'civilizational'-based conflicts.

In addition, there are a number of practical difficulties associated with assessing the type and nature of threats posed by non-state actors, preventing or mitigating such threats and dealing with the consequences of an attack. Such difficulties include developing a workable definition of 'terrorism' and applying the results of risk analysis when devising anti-terrorism policies, including implementing civil emergency response measures.

II. Definition

Agreeing a definition of 'terrorism' has proven difficult both generally and in terms of applying a given definition to specific cases.¹ A proper definition should be one that allows for impartial judicial prosecutions and that is readily applicable to any given case regardless of the broader political or geo-political considerations or sensitivities.

The US Criminal Code defines 'domestic terrorism' as

'activities that -

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended -

(i) to intimidate or coerce a civilian population;

¹ A useful overview of some of the difficulties associated with defining the term is given by Whitaker, B., 'The definition of terrorism', *The Guardian*, 7 May 2001, URL

- (ii) to influence the policy of a government by intimidation or coercion; or
 - (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
- (C) occur primarily within the territorial jurisdiction of the United States..²

The US Criminal Code defines 'international terrorism' as

'activities that -

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear to be intended -

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum'.³

A major difficulty in applying these, or any, definitions, are cases where one person's revolutionary or freedom fighter is viewed by another as a terrorist. This can be particularly problematic in cases where there are great differences in the availability and type of weapons accessible to the parties. For example, suicide bombings are not generally condoned in public. As far as many are concerned, all suicide bombings are acts of terrorism. A group might have limited options for effectively carrying out violent acts. There may also be instances where a broader political cause is recognized as having political validity, but where the validity of specific acts or types of violence is disputed.

Cases where the parties' actions have been characterized as 'terrorism' include acts carried out by the Irish Republican Army and Northern Ireland loyalist groups, the parties to the Israeli-Palestinian conflict and by those carrying out attacks in Iraq against coalition forces. US Government officials appear generally unwilling to characterize suicide bomb attacks against coalition forces as 'acts of terrorism', although some references have been made to the presence of 'foreign fighters' on Iraqi territory and the important role that the reconstruction of Iraq has in the global 'war on terror' generally.

III. Risk

There are fundamental difficulties associated with defining and quantifying risk, particularly in cases where there is little or no historical record to serve as a practical guide. It is generally believed that the risk of an attack with a nuclear, chemical,

² US Criminal Code, Title 18, part I, chap. 113B, sec. 2331, para. 5; Available at URL <<http://www4.law.cornell.edu/uscode/18/2331.html>>.

³ US Criminal Code, Title 18, part I, chap. 113B, sec. 2331, para. 1; Available at URL

biological or radiological weapon is 'low', but that the consequences of such an attack would be 'high' or even catastrophic — either in terms of casualties and deaths and/or in economic terms. The principal mechanism for predicting the future is to look at past experience. However, such experience may not be an accurate predictor of future developments.

Quantification of risk is generally done by assigning values to risk factors, combining them (e. g., in a summation series) and then expressing the resulting value in terms of the percentage likelihood of an event occurring over a given period of time. A subjective element exists, however, in all risk assessments, particularly in cases where a clear, established historical pattern of actual occurrences — together with a strong level of assurance that such a pattern will continue in future — are absent. Thus personal judgement plays an important role in all risk assessments, including those expressed quantitatively. For example, the selection of risk factors (by necessity, limited in number) and the numerical weighting given to each factor involve some degree of subjectivity which takes the form of an individual's 'best judgement'.

IV. Effects

The term 'weapon of mass destruction' (WMD), which originated during World War II, does not reflect the variation in the ability of the various weapons to cause harm.⁴ Chemical and biological weapon (CBW) agents vary widely in terms of effect and lethality. Some agents are highly dangerous (i.e., toxic, or infectious), while others may be employed effectively as incapacitants only (e. g., 3-quinuclidinyl benzilate, BZ). In terms of destructive power, chemical weapon (CW) agents are not in the same category as nuclear weapons. A fuel air explosive, or thermobaric device is generally more lethal (and reliable) than a comparable payload of CW agents. Some possible biological weapon (BW) agents (e.g., smallpox) could cause a pandemic resulting in a level of casualties comparable to those that might be caused by nuclear weapons. Comparisons are further complicated if one considers low-yield nuclear warheads, some of which are being developed for use as part of deep-penetrating munitions or 'bunker busters'. Such weapons could be used in a manner that results in the deaths of only those people located inside a targeted, deeply buried and/or hardened facility. Finally, lethal dose (LD₅₀) figures do not reflect the practical problems associated with the delivery of CBW agents. The estimated amounts of agent required to effectively contaminate a given target area illustrate such problems and, therefore, the actual threat posed to individuals by CBW agents in the field. Great attention has been given to the development of firing tables for various types of munitions and agents. For example, a US Army manual estimates that approximately 27 kg of sulphur mustard

⁴ The term weapon of mass destruction partly reflects the fact that leading military powers during World War II generally considered the weapons to be strategic weapons and uncertainty over current and future technological and scientific developments. The discovery by British and US forces that Germany had, unbeknownst to them, developed and stockpiled a new class of chemical weapons (tabun and sarin) — organophosphorus acetylcholinesterase inhibitors — contributed to this perception. The uncertainty in grouping the weapon types in a single category is also reflected in a July 1949 report by the US Secretary of Defense's Ad Hoc Committee on Biological Warfare which stated that there was 'reasonable doubt' that biological weapons (BW) could 'be classified realistically as means of mass destruction', although such weapons could, in future, 'become effective as means of mass destruction'. US Government, 'Report of the Secretary of Defense's Ad Hoc Committee on

must be used to achieve a single casualty in the field.⁵ It has also been estimated that four tonnes of VX would be required to effectively contaminate a six-kilometre-square area.

CBW agents pose a long-term threat in enclosed rooms and buildings and may, partly for this reason, result in additional complications in the prediction of effects. Countries that possess significant CBW defence establishments, including the UK, the United States of America (USA) and Russia, have developed computer programmes to model the behaviour of nuclear, chemical and biological contaminants. The British Ministry of Defence, for example, is continuing to develop and improve a programme called the Biological, Radiological and Chemical Information System (BRACIS).⁶ The results of such work should be considered in civil emergency response and management planning.

V. The capabilities of non-state actors

There are conflicting views regarding the ability of non-state actors to acquire, develop and use nuclear, chemical, biological and radiological weapons. This is partly owing to confusion over the comparative effects of the various types of WMD. This may be caused in cases where the term is used in broader political contexts in which moral and political factors are the primary considerations.

An effort is under way in some countries to review the appropriateness of publishing certain types of scientific and technical information which might be useful to state or non-state actors interested in developing or using such weapons. Perhaps the most significant hindrance in the attempt is the inherent dual-use nature of most technology, equipment and materials (excepting certain 'single-purpose' elements specific to nuclear weapons). There is also concern that institutionalizing such review mechanisms may serve to highlight vulnerabilities that would otherwise not have been noticed and that restrictions could adversely affect progress or scientific and technological development in general.

Some observers have argued that, given sufficient time and resources, non-state actors can readily develop chemical and biological weapons. Others, citing the example of the Japanese religious cult Aum Shinrikyo, disagree and argue that some state support is almost certainly required (see below). A number of 'do-it-yourself' manuals and other grey literature have been produced which describe how to create a chemical or biological weapon.⁷ However, almost all of this literature contains mistakes or gaps that would hinder successfully completing the instructions.⁸

⁵ United States Government, *Military Chemistry and Chemical Agents* (Department of the Army and the Air Force: August 1952), p. 32.

⁶ See Bruhn NewTech, 'The Biological, Radiological and Chemical Information System (BRACIS)', URL <http://www.bruhn-newtech.com/def_pro_bra.htm>.

⁷ In order to construct a nuclear bomb, one would be faced with the very significant hurdle of trying to obtain a sufficient quantity of highly enriched uranium and/or Pu-239. A gun-type design, as opposed to an implosion design, would probably be chosen. Dispersing radioactive materials using conventional explosives, by contrast, would be much simpler, both in terms of acquiring the necessary materials and in terms of technical expertise required.

⁸ A published book, for e.g., provides a theoretically possible, but nevertheless ineffective, method of

Al-Qaeda members collected information about nuclear, chemical, biological and radiological weapons from publicly available sources, including from the Internet. They have paid particular attention to collecting and using US military training manuals on the use of conventional weapons and tactics. Video tapes were reportedly uncovered in Afghanistan showing animals being poisoned with chemicals. The quality of the information recovered in Afghanistan appears to be uneven and generally low-grade.

Perhaps the most significant use of CW by a non-state actor was that carried out by Aum Shinrikyo. The group carried out two major lethal attacks with CW. The first occurred in June 1994 when cult members vented sarin vapour from a specially modified van at night in Matsumoto, Japan outside the homes of three judges who were taking part in a legal case involving the organization. Seven people died and approximately 300 were injured as a result. The incident was not immediately recognized as a CW attack and the police investigation was indecisive and poorly coordinated. The second attack occurred in March 1995 when group members released sarin in the Tokyo underground. As a result, 12 people died, while approximately 500 people required medical attention or hospitalization. Approximately 5500 people were examined by medical personnel. The means of attack and the identity of the perpetrators were quickly determined and the police carried out mass arrests and widespread searches of properties owned by the cult. At the time, the group had assets worth an estimated \$1 billion. A number of cult members had master or doctoral degrees in the natural sciences, including chemistry. Despite these factors, the group's technical ability to create and effectively disseminate chemical and biological warfare agents was limited. The sarin produced, for example, was unstable and of low purity. Safety precautions during testing and production were poor and a number of cult members were poisoned as a result. Criminal proceedings against cult members, including against its founder and head Chizuo Matsumoto (also known as Shoko Asahara, or Bright Light), are continuing.

VI. Conclusions

Most conflicts are associated with the movement of people and differences in the availability of resources and wealth. Violence by separatist movements in Europe could be reduced or, in some cases, eliminated, the more Europe moves towards a federation. The strength and importance of the state should nevertheless not be underestimated or discounted. A key factor is the extent to which Europe's response to terrorism in 2035 will require a law enforcement or intelligence response as opposed to a military response.

An understanding of the practical problems together with the development, acquisition and use of various types of weapons can help to better inform policy decisions. Any policy decisions should reflect the best available information and technical expertise, including an understanding of what can and cannot be predicted with a high degree of certainty. In view of human, financial and other resource limitations, the approach taken to identify and respond to possible risks posed by nuclear, chemical and biological weapons should be carefully considered and balanced. Any decisions taken with regard to protecting against the various weapon

types should be based on the recommendations and experience of technical specialists.

Recommendations should also be based on transparent technical analyses that are subject to independent peer review. While political and public sensitivities cannot be ignored, they should nevertheless not be at odds with the technical requirements. Bridging potential gaps ought to be addressed with objective, quantitative analyses, not with policy pronouncements and supporting documentation aimed more towards mitigating the effects of unfavourable publicity or potential legal liabilities.

Selected Sources and Suggested Reading

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