CBW Terrorism and the Chemical Weapons Convention

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In the wake of the appalling and indiscriminate chemical attacks against innocent civilians by Aum Shinrikyo in Japan in 1994 and 1995—which have brought the subject of chemical and biological terrorism very much to the forefront in the international consciousness—Jonathan Tucker has done the international community in general and policymakers in particular a singular service by producing an article on the subject that is both timely and well written, and which also offers us some suggestions regarding what we collectively might do about the problem.

The threat of chemical and biological terrorism is not new. Experts in the field of chemical/biological weaponry have for long been voicing concerns about the possible use of such weapons of mass destruction by terrorist organizations, subnational groups, or even determined individuals with an axe to grind. The general view in the past has been that the difficulties in producing, handling, and disseminating the agents concerned would have been enough to deter all but the most determined—or foolhardy—while the negative political consequences of the indiscriminate use of chemical/biological weapons against innocent and unprotected civilians, and the likely resulting massive casualties, would far outweigh any likely political gain to be achieved through such acts of terror.

Both factors were therefore seen as militating against chemical and biological weapons (CBW) as the weapon of choice: after all, the "traditional terrorist" tended to go after a specific target for which the use—or threat of use—of guns and explosives was seen as all that was necessary to obtain the objective. Chemical and biological weapons would not have been very useful, and certainly not more effective, against the targets usually pursued by most terrorists. What is new is that the activities of Aum Shinrikyo have now increasingly called these assumptions very much into question.

A detailed analysis of any problem is an essential prerequisite to finding the appropriate solutions. In its opening section, Tucker's article contains a compilation of valuable factual information on the Tokyo incident and on a number of other recorded instances when terrorist organizations tried to acquire/produce and use CBW. It also describes in a very comprehensive way the trends in international terrorism and provides a balanced technical insight into the limitations associated with any attempt to produce or otherwise acquire CBW in the absence of a state run/controlled weapons program.

Tucker's analysis lends credence to the view that it was primarily the choice of the weapon for the target, and complexities in producing and handling CW, which resulted in CW's low rate of use as weapons of terror until now. It also suggests that Tokyo was a departure from the past, inasmuch as it marked the move to indiscriminate killing as the desired outcome of a terrorist attack—thus ignoring the psychological barrier that had inhibited the use of CW by terrorists in the past—and that, with the old barriers gone, the threat of chemical/biological terrorism has now become a terrifying reality.

If the Tokyo incident thus makes a clear break with the past, what does this mean for the future? Were the activities of the Aum simply an isolated development, or are others likely to follow its example; that is, will there be more "copycat" incidents of this nature, in the way that many believe that one mass shooting by a deranged gunman serves to stimulate others? There is probably no clear-cut answer to this question at this stage, but Tucker's analysis suggests, correctly in my view, that the prudent policymaker would be most unwise to proceed on the basis that the Tokyo incident was the last of its kind.

What then is to be done about the problem? In his article, Tucker lists the principal CW agents and their properties, examines the methods by which they are synthesized, and discusses the problems any potential terrorist would have to address and overcome before being able to disseminate such agents. He correctly lists the kinds of "specialized equipment" which would be required to produce sarin on an industrial scale and argues that this may be a complex and expensive operation; however, in my view, building an entire CW production facility would not be the most logical course of action for the purpose of synthesizing several kilograms of chemical weapon for a particular limited terrorist attack.

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It is doubtful that terrorists would normally attempt to purchase industrial-scale toxic chemicals production equipment for one-time use of CW. A one-time production line may be much more cost-effective for this purpose than an industrial-type facility. The case of Aum Shinrikyo in this respect should probably be viewed as the exception rather than as the rule. (If a terrorist planned to produce CW on a regular basis, however, that could be a different matter.) Furthermore, Tucker's listing of the above-mentioned "specialized equipment" items may be somewhat misleading since it relates to nerve agents—probably the most likely "copycat" terrorist CW weapon if the Aum's activities are followed as an example—and ignores other CW agents of potential importance.

Tucker is rightly concerned about the dissemination of information about the production of CBW. This is indeed a serious issue. It is a source of great concern to delegations to the OPCW Preparatory Commission in The Hague and has been discussed by them on a number of occasions in various contexts (such as the training for inspectors, where great care has been taken in developing the inspector training scheme to ensure that the training of OPCW inspectors does not contribute to the spread of knowledge about CW production).

However, while the availability of what Tucker refers to as "cookbooks" on the Internet is indeed deplorable, the situation may not be quite as bad as it seems at first sight. It is questionable whether such information would add substantially to the danger of CW proliferation. Making CW outside the laboratory is much more difficult than making CW inside it; and unless such "cookbooks" contain detailed blueprints and process parameters, they are unlikely to provide sufficient information to enable a terrorist group to build a CW production facility, even a rudimentary one. This constraint suggests that terrorists with serious CW intentions would most probably try to recruit chemical engineers knowledgeable about the subject, as Aum Shinrikyo did, rather than attempt to produce CW themselves on the basis of "recipes" available on the Internet.

Finally, the article contains a number of useful short- and long-term suggestions regarding what policymakers might do about the problem, both at the national and international levels. In this context, I would like to offer some thoughts on the role the Chemical Weapons Convention (CWC) could play in this regard.

Tucker specifically touches upon the role of the CWC in preventing the proliferation of chemical weapons and in lowering the chances of such weapons falling into the hands of terrorists. Although directed primarily at nation-states, the CWC does provide obstacles to CW proliferation and to the acquisition of CW by terrorist groups. First and foremost, the CWC outlaws possession of CW both by states and by their nationals. It requires that the States Parties prosecute any national who may violate the convention's provisions. Domestic laws to implement the convention in each member state will ensure that developing, producing, stockpiling, transferring, and using toxic chemicals as weapons will become a criminal offense. These laws will make it easier for law enforcement authorities to investigate and punish chemical terrorist activity at the earliest possible stage, including attempts by terrorists to manufacture chemical weapons.

Having established the clear international ban on the possession and acquisition of chemical weapons, the CWC also contains provisions to enforce this ban. Through declaration requirements for international transfers of scheduled chemicals as well as clear prohibitions on such transfers in relation to the states not party to the convention, it establishes permitted limits to transfers of scheduled chemicals and over time will assist in the building up of a clear picture of trends and directions in relation to such transfers.

The cornerstone of the CWC's verification regime—the on-site verification of military and industrial facilities related to chemical weapons and to scheduled chemicals—will also help ascertain that all activities carried out at these sites are those permitted by the convention. For industrial facilities, the convention specifically mentions that one such goal for the future of OPCW inspectors is to verify the non-diversion of scheduled chemicals. For CW-related facilities, the convention establishes a rigorous accounting system for declared CW stockpiles and a stringent verification regime for their destruction. In addition, the CWC contains provisions for inspecting undeclared facilities, which further enhance the effectiveness of its verification regime.

While the Chemical Weapons Convention was not specifically designed to confront terrorism, it will undoubtedly help states to respond appropriately to the threat of such attacks by providing a forum for consultation on tackling such threats. The organs of the OPCW will be able to consider the effectiveness of the convention and adapt it to new needs.

The provisions of the CWC related to assistance and protection against the use of chemical weapons will enhance the security of those who forego the chemical weapons option forever. These provisions will also be effective in cases of terrorist attacks or threats of such attacks, especially for states that do not already have well-developed capabilities to detect chemical weapons, defend against them, decontaminate affected areas, or treat victims of chemical attacks.

All these measures, when implemented, will assist the international community in any national and international action to fight the threat of the use of chemical weapons by terrorists.

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