

**Priorities for Funding and Action under UNSCR 1540:  
Using Development Assistance to Confront the Nexus of Illicit Trafficking and  
Non-State Extremist Groups Intent on “Mass Casualty” Violence**

Michael Kraig, September 27, 2009

**I. Executive Summary: Primary Recommendations, Findings, and Arguments**

- The primary threat of catastrophic or “mass casualty” terrorism today does not come from traditional state-supported terrorism, as was prevalent during the Cold War, but rather, via wholly transnational, sub-state, and non-state “armed bands” using advanced information technology to coalesce in ideology, goals, and missions that have larger utopian aims than the usual geopolitical agendas of states.
- In particular: based on this paper’s assessment of the threat from trans- or sub-national extremist groups, states from the Developed and Developing World alike should work together to ensure, once and for all, verifiably strong and effective security and safety measures for all Highly Enriched Uranium (HEU) and Pu, full stop, and especially HEU that could be used to make a “gun type” crude fission device. Such materials must be secured no matter what the country in which it exists, whether a US ally or a US competitor. And given the universality of this mission, the IAEA and the UN are natural institutions for achieving such an ambitious global security goal.
- Beyond highly-enriched uranium or plutonium, the dual-use materials, technologies, expertise, and equipment that go into making dangerous biological and chemical agents are largely indistinguishable from those needed for “normal” scientific advancement, research, and commercial activities.
- Thus, export and border (customs) controls will only go so far in combating the use of chemical or biological weapons (CBW) by truly non-state, transnational threat of extremist terrorism with an anti-globalization bent. Indeed, an attack with a chemical effect is just as likely to involve conventional explosives in unconventional ways against “soft targets” that could have a catastrophic chemical or nuclear results, such as nuclear or chemical facilities in the Developing or Developed World alike.
- In the area of CBW, therefore, perhaps the most important defense or preventive measure is effective, resilient, and well-funded *public health systems*, including prevention and response infrastructure and national coordination with the World Health Organization. This is clearly where 1540-mandated “capacity building” and development could play a central role.

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- In terms of a better global, universal response to disease prevention, management, mitigation, and response, many experts agree that there must be far more funding of the World Health Organization or WHO, which is naturally “on the front lines” of any disease, whether man-made or natural in character.
- More generically, there is a crying need for a truly global buildup in law enforcement capabilities that can detect the signature of *human network activities* that point to *both* conventional and unconventional (WMD) non-state terrorist intentions and acts.
- Another key reality is that “big money” is involved if a fringe group (Al-Qaeda or other) tries to weaponize a chemical or biological agent – or, alternatively, tries to smuggle, buy, and weaponize vulnerable nuclear materials. Big money is a given for *procuring* nuclear materials illegally, while big money is also a given for the complex and difficult task of *weaponizing* bio-chem agents.
- In turn, this raises the question: where does such “big money” come from, and how is it used as investments to create even more funds, in terms of the modus operandi of wealthy non-state or transnational terror groups? Answers include: illicit drugs, guns, people trafficking, investment in legitimate companies through intermediaries, bribery or blackmail of officials, and other forms of criminal activity and corruption. Thus, efforts to cut down on the latter will slowly but surely dry up funding sources for extremist groups wishing to procure, manufacture, and weaponize a WMD device, turning them toward less expensive, less exotic conventional materials that can themselves be increasingly monitored and regulated.
- Therefore, illicit WMD proliferation can no longer be separated from transnational crime, illicit trafficking, and the violent and criminal consequences of the “negative underbelly of globalization” in general. Or in other words, 1540 implementation cannot be separated from the global illicit economy and its many violent offshoots, including drug, gun, and people smuggling, as well as the laundering and financing of “dirty money” in the First World and Developing World alike. Hence, the problem and theme of national and global “dirty money” will always be there, and should be viewed as a potential target of 1540
- This implies that 1540 implementation will be as much – or more – about general top-down and bottom-up “national capacity building” in the Developing World rather than top-down “technology denial” methods seen in traditional sanctions regimes passed by the UN Security Council or in traditional aid to Developing Countries for export and border controls.

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- In combating this relatively new and evolving threat, UNSCR 1540 already provides a legal, normative, and action-based framework for moving toward *technology governance* rather than *technology denial* approaches in nonproliferation. This could mean that the focus of activities under UNSCR 1540 need not be primarily on “rogue states” or state-supported terrorism, but rather, on the following interlinked elements of global security governance:
  - Systematic tracking and securing of nuclear materials, especially HEU that can be used in relatively crude fission devices, as well as dual-use agents and materials for CBW;
  - Tracking, identifying, and monitoring extremists networks, both sub-national and transnational in nature; and
  - Increasing sophistication in both the multilateral and national identification of those subtle, complex, networked relationships among non-state and state actors that together can point holistically toward potentially dangerous group activities with violent ends.
  
- With the above in mind, development and national-capacity building in under-developed states across the globe should, under the 1540 mandate, be especially focused in the areas of:
  - Effective law enforcement;
  - Advanced CRBN forensics;
  - Advanced information infrastructure for linkages to international databases for real-time data sharing on extremist groups and their activities;
  - Advanced legal infrastructure to ensure compliance with international conventions on crime and trade;
  - Infrastructure devoted to identifying phony or “front” corporations and businesses used by illicit transnational actors to generate and move money and dual-use materials – which in turn means increased capabilities to track, identify, and analyze complex financial deals and transactions;
  - Serious disease prevention capabilities;
  - Post-attack response capabilities of civil authorities for disasters; and finally,
  - Overall health infrastructure.
  
- Such areas are increasingly more important indirect measures to combat transnational threats than the traditional NPT “three legged stool” of state-based nonproliferation, nuclear technology development, and nuclear disarmament. Therefore, 1540 should not just be interpreted as a “counter-proliferation” measure against external “rogue” state actors who have possible state-based WMD programs. Rather, it should be viewed as a measure for nations to work singly, and together, on combating non-state extremist groups and ideologies in general – groups that can, in today’s world, make deals within and beyond national borders.
  
- This would mean applying 1540 on a *universal basis* that applies equally and neutrally, on a non-discriminatory basis, to all states in the international system, regardless of their actions (negative or positive) on more traditional nonproliferation fronts under the NPT.

- In working with “difficult cases” such as “rogues” and “de facto” nuclear states: interpret 1540 so as to not to view it as another part of the “denial regime” or “rollback regime” – i.e., “counter-proliferation” against states such as India, Pakistan, Israel, the DPRK, or Iran. Rather, view it as part of the “nonproliferation regime,” in terms of applying articles I-II of the NPT to these states’ external policies themselves, in their less controversial status as nuclear *energy* powers. I.e, ask the question, how can the international community cooperate with these *nuclear energy-capable* states to make sure there is no external, inadvertent proliferation outwards? This assumes, as recommended above, a neutral, mutually-beneficial goal with some capacity-building intent.
- For example: the most ubiquitous examples of attempted bio-toxin-chemical attacks since 1970 are, perhaps surprisingly for many, *right-wing American extremist groups*, who have been stopped, every time, by the Federal Bureau of Investigation or FBI. The *political and diplomatic and law enforcement side* of 1540, therefore, should be more about counter-terrorism and the thwarting of violent non-state groups in general rather than combating “jihadist” terrorism per se. Jihadist, Islamic terrorism is a subset of the larger problem of anti-globalization extremism, as repeated attempted attacks by US right-wing extremist groups using bio-chem agents since the early 1970s clearly demonstrates.
- This view, if taken by the US and others, would make 1540 far more palatable to the Developing World, politically and culturally. Under a 1540 mandate, for instance, the FBI could be asked by the White House to share its “trade secrets,” particularly its successes against domestic, home-grown radical groups, with other countries facing similar problems. Such cases notably include attempts by US fringe groups to use ricin and typhoid.
- As noted by one expert in the field, “Because terrorists are likely to be extremely creative and flexible as they choose, design, and employ all manner of weapon in the future, national counter-measures must be equally agile and inventive”<sup>1</sup> – and, 1540 can and should be used as an instrument to help nations be just this: more agile and inventive.

## **II. Introduction: The New Requirements of UNSCR 1540.**

Resolution 1540 is the most all-encompassing nonproliferation mechanism available and the only one focused on the threat of nonstate actors. It sets forth an entire suite of measures to achieve WMD technology governance. The resolution has attempted to address the inadequacies of existing treaty measures and the particular challenge of WMD proliferation by nonstate actors in one swift all-encompassing mandate. It mandates a baseline of extensive “appropriate effective” antiproliferation obligations and requires all states to enact and enforce these measures promptly.<sup>[i]</sup> It requires states to “criminalize proliferation, enact strict export controls, and secure all sensitive materials within their borders.”<sup>[ii]</sup> The resolution includes twelve points obligating all UN member states to “adopt and enforce appropriate effective laws which prohibit any nonstate actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery”; develop and maintain “effective physical protection measures”, “border controls and law enforcement efforts” to address illicit trafficking, and “national export and transshipment controls.”<sup>[iii]</sup> In brief, the Security Council

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<sup>1</sup> Dekker-Bellamy (must find final citation yet)

legislated obligations for “supply-side measures against proliferation on every other nation in the world.”<sup>[iv]</sup>

The resolution’s emphasis on nonproliferation *assistance* must be underscored. As 1540 imposes a demanding suite of obligations on all states, any state, “lacking the legal and regulatory infrastructure, implementation experience and/or resources,” may request assistance from those states in a position to do so.

One requirement for action will be achievement of consensus in differing geopolitical, regional and sub-regional contexts regarding the specific meaning of “appropriate, effective” as it pertains to the measures set forth in the resolution. In order to implement UN Security Council Resolution 1540 and the suite of measures that it encompasses, a state must have in place the necessary legal and regulatory infrastructure. Specifically, it is essential to have a bureaucracy capable of implementing and maintaining the required legal framework. Obviously, the state must also have a legal system capable of adjudicating violations. This requires not only an oversight and policing capacity to detect violations of the law, but the wherewithal to meet certain evidentiary standards to prosecute matters related to proliferation by individuals in all its forms—trafficking of weapons or materials, knowledge support to a clandestine effort, as well as providing financial support for illegal activities.

Legal systems vary widely and are a result of history, culture, and societal influences, and it is difficult to provide an easy assessment regarding the status of “rule of law” in different states. However, it is safe to say that a majority of states will confront difficulties in implementing the resolution simply because they lack the legal institutional capacity to do so.<sup>[v]</sup> Providing technical assistance to craft an appropriate legal framework to bring states into compliance with the resolution should only follow long-term institution building to ensure a minimum standard of legal governance for effective application of the laws.

The resolution also requires technical capacities far beyond what most states currently possess. In addition to the collection of evidence relevant to adjudicating proliferation, a state must also have policing capacity to detect any criminal or civil violations against possession, transfer, use, development, or financing of biological, chemical, and nuclear weapons. This includes the staff and technology to monitor any dubious activities such as possible money laundering for weapons financing or unusual border activity. Additionally, states must maintain a robust customs department to oversee end-user controls, border controls, and to regulate transit, transshipment, and reexport of weapons. If a state possesses any nuclear, biological, or chemical weapons, it must account for and secure its stockpile. This requires appropriate physical protection measures such as accompanying staff, oversight, and equipment. Should bureaucratic and legal efforts fail to prevent the use of nuclear, biological, or chemical weapons, a state must have in place a competent means of combating such items. For instance, capabilities, infrastructure, organization, and previous training that would allow a government to respond to an attack, provide medical care for its population, and restore order would exist.<sup>[31]</sup>

### **III. Counterpoint: Where Nonproliferation, Counter-proliferation, and Counter-Terrorism Efforts Are Focused in Current Western-dominant Policy Strategies and Practices**

Despite all of the above, much of the Developed World or Global North continue to fuse their counter-terrorism efforts with more traditional understandings of interstate threats, such as regional hegemony or “rogue states” who support terrorist groups for more recognizable geopolitical objectives than the universalist, utopian, anti-globalization groups who carried out 9-11. As a result, according to one senior American congressional committee staffer in an interview with this author in 2007, “In the US bureaucracies, everyone does counter-terrorism, and no one does counter-terrorism. The first four or five agenda items are on traditional nonproliferation missions against states, followed perhaps by measures focused on non-state groups like Al-Qaeda as agenda item five or lower.” Which raises an obvious question: Why is this so?

To understand where the world still largely is on counter-terrorism in terms of actual operational practices, we need to look fairly deeply into where we have been on the lone global superpower’s security practices overall – and in this regard, the author asks the reader for some patience in going over what might seem like security and strategy points that are, on the surface, far-removed from daily, operational, counter-terrorism concerns. In brief: habits of thought, paths of action, and institutional inertias in US policymaking all call for a clear understanding of broader US strategic traditions. As this section unfolds, connections between overall US grand strategic approaches and one particular type of counter-terrorism agenda will be noted and explained.

Traditionally, the American approach to security has relied on a couple of very simple and direct principles, even if often unstated in formal terms, which go back to our WW II experiences and the absolute divisions between East and West blocs in the Cold War. First, according to this WW II-cum-Cold War security script, there were identifiable, discrete sovereign enemies and sovereign competitors – first the Fascists, then the Soviet Union– who would threaten the American way of life if left unchallenged, due to innate value-based differences, and the inevitable attempt by these challengers to export their ideological and cultural identity at the cost of one’s own.

Indeed, due to the *presumed unchangeable, immovable nature of the enemy ideology*, it was generally assumed that one could not negotiate a better outcome; one could only emerge victorious (even if diplomacy was carried on while the enemy still existed). The best strategy toward enemies was therefore deterrence, containment, and if possible “rollback” of the enemy state(s)’ regimes in question.

Victory over competitors was the ultimate end of national security, even if it was thought to take decades to reach this ultimate goal. And to support diplomacy toward an avowed ideological challenger, the United States was thought to need “winning weapons” to attain victory,<sup>2</sup> including supporting coercive forms of diplomacy between wars (“coercive diplomacy” – that is,

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<sup>2</sup> See for instance Gregg Herken, *The Winning Weapon: The Atomic Bomb in the Cold War, 1945-1950*, New York: Alfred A. Knopf, 1980, pp. 3-8 and 338-342.

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a state of neither war nor friendly relations – was itself an analytical invention of many noted RAND theorists at the time).<sup>3</sup>

Indeed, since coercion was the core of diplomacy toward the enemy (even if it was often latent or in the background), the ability to wage war, at what level and by what means, naturally remained at the center of security budgets and security discourse. This was even true for strategic nuclear forces, which were wielded under a doctrine that called for “counterforce,” precise and tactical use of nuclear missiles and bombs to achieve ultimate victory, if indeed a nuclear war broke out.<sup>4</sup>

Also under this framework, enemies were thought to ally with each other, informally if not formally, necessitating a US security approach based on a clear, black-and-white division between US “friends and allies” and the friends/allies of the enemy (this belief kept China isolated from US engagement until the late 1960s). In fact, because this ideological unity was seen as extending across multiple geographic and geopolitical (regional) contexts, it was generally assumed that all serious ideological threats, anywhere in the world, ultimately could be traced back to the primary enemy actors, whether those threats were communist insurgents or terrorists. Thus, if one could ultimately get rid of these enemy sovereign regimes and their pernicious ideologies, the latter of which they were assumed to actively spread beyond their own borders, insurgent or revolutionary threats to stability in the Third World would necessarily and inevitably dry up and disappear – a belief that virtually ensured the tragic intervention in Vietnam.

Inherently, this meant a focus on the threat of *strong states* rather than *weak and failing states* in the Developing World, which had a defining effect on formation and doctrine of the armed forces.<sup>5</sup> Even today, with the genocides and lack of governance in Central Africa, Sudan, Somalia, the former Yugoslavia, and other areas, strong sovereign competitors – particularly competitors seen as having hostile, alien ideologies – are still the primary motivator of US budgets, capabilities, and actions.<sup>6</sup>

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<sup>3</sup> For summary descriptions of both the broad concept of coercive diplomacy and the more specific application of its principles to US nuclear weapons planning, see Michael Kraig, “The Political and Strategic Imperatives of Nuclear Deterrence in South Asia,” *India Review* Vol. 2 No. 1, January 2003, London: Frank Cass Publishers, pp. 10-17.

<sup>4</sup> For instance, highly-precise targeting was first perfected and guided by MIT specialists working on making US ICBMs extremely accurate for purposes of “counterforce” nuclear warfighting; in fact, the famous Global Positioning System satellites were first developed and deployed by the US Navy to better guide the new Trident II SLBM to its targets. And, unknown to most, the Air Force had its own sensors installed on all GPS satellites to monitor rays that would emanate from a nuclear explosion, and these sensors today still send their data straight to US Space Command for interpretation – so as to better monitor, in real-time, the theoretical fighting and winning of a nuclear war. US official nuclear doctrine thus aggressively pursued the ability to not only destroy an enemy’s populace via a passive second-strike, retaliatory policy, but also to preempt the enemy’s nuclear forces before they could be launched, allowing the US “escalation dominance” in a nuclear shoot-out. See Michael Kraig, *op cit*, for fuller explication.

<sup>5</sup> Steven Metz and Frank Hoffman, “Restructuring America’s Ground Forces: Better, not Bigger,” *Stanley Foundation Policy Analysis Brief Series*, Muscatine, Iowa, September 2007, p. 2.

<sup>6</sup> See for instance the budgetary analyses of Cindy Williams, “Beyond Preemption and Preventive War: Increasing US Budget Emphasis on Conflict Prevention,” *Stanley Foundation Policy Analysis Brief Series*, Muscatine, Iowa, February 2006, pp. 4-12.

Looking forward in reverse: today's US grand strategy and defense strategy alike are largely logical and technological extensions of this Cold War security script. Since the terrorist attacks on the World Trade Center on September 11, 2001, the Bush administration has sought to link the 1990s counterproliferation approach (which stresses the threat of "rogue states" like Iraq or North Korea) with a transnational "war on terrorism," or counterterrorist approach, that stresses the future threat of transnational terrorist cells to the U.S. homeland. A broad counterproliferation/counterterrorist strategy involves several aspects.

As defined operationally by the U.S. government since the early 1990s, counterproliferation consists of technology denial methods directed at the developing world (export controls) as well as new methods of deterrence, defense, and preemption (precision-guided and more lethal conventional munitions alongside the existing nuclear arsenal). The perfection of defense, deterrence, and preemptive policy options, in part to give teeth to "coercive diplomacy" toward avowed state enemies, is a major goal of the national security planning community.<sup>7</sup>

The counterproliferation/counterterrorism script views U.S. diplomatic relations largely in terms of discrete bilateral and or selectively multilateral relationships, i.e., in terms of formal alliances or informal security understandings among sovereign state friends. Examples of such friends include NATO, South Korea, Japan, Israel, Australia, Southeast Asian countries such as the Philippines, Thailand and Singapore, and the Gulf Cooperation Council (GCC) states in the Middle East, all of whom receive preferential U.S. aid, trade relationships, military technology-sharing arrangements, and, in the case of GCC states especially, large sales of off-the-shelf, high-technology military items.

From this perspective, technological diffusion and development are positive only insofar as they occur within this circle of friends and allies. Moreover, according to this approach, the sovereign nation-state is still the primary actor, insofar as *transnational terror networks are thought to be produced, guided, funded, encouraged, equipped, or otherwise supported by rogue state actors* like the DPRK, Iran or Syria. This assumption, of course, harkens back to the Cold War notion that pernicious non-state or sub-state actors are connected, ideologically and materially, to the main sovereign state enemy.

So for instance, Hezbollah and HAMAS are counted not just as threats to Israel (which they most certainly are), but also as threats to the US, with many US leaders of both political parties using rhetoric to the effect that "Israel is the beachhead in the US global war on terrorism." Such groups are viewed as ideological threats to the world system, and as actual physical threats to an ally through terrorist acts; hence, the threats received by a key regional ally are also *our* threats (to our own homeland, in a *virtual ideological or political sense* if not a direct sense of attacks on US territory - much like Western European nations during the Cold War under NATO); hence, Syria and Iran constitute national threats to the US; hence, US capabilities and defense doctrines designed to threaten, coerce, destabilize, contain, deter, and weaken these latter enemy states are, ipso facto, *counter-terrorism* capabilities and doctrines.

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<sup>7</sup> See for instance John Steinbrunner and Mary Gallagher, "Prospects for Security Transformation," paper presented at the *Stanley Foundation Conference on US and Global Security: Leveraging US Strength in an Uncertain World*, December 7, 2006, Ronald Reagan International Conference Center, pp. 4 and 6-9; and Cindy Williams, *Ibid*.

Finally, there is the oil and gas element – the energy component of the global liberalization goal of US Grand Strategy, again harkening back to the Cold War. The complex connections between the global energy order, US dominance in trade and financial institutions, US counterterrorism concerns, and the US military machine are rarely made. But as noted by a recent large project on “Reinventing Multilateralism” undertaken by scholars across the entire University of Illinois system in 2006, our de facto “energy security policy” is a large and growing US military budget along the lines of the RMA and Global Strike, as already described above.<sup>8</sup> Again, this has been a long-evolving historical trend:

During the middle half of the 20th century, outside interventions in the region evolved from supporting colonial rule or [direct] foreign control of energy assets to influencing *who has [local] control over oil revenues*. In 1953 the U.S. Central Intelligence Agency (CIA) intervened in Iran and thwarted an attempt at oil industry nationalization. During Iranian counter-attacks against Iraqi’s 1980 invasion, US naval support guaranteed oil shipments that provided money to Iraq to help fend off an Iranian takeover of border oil facilities. After Iraq’s 1990 takeover of Kuwait, the United States led the effort to restore control to Kuwait’s ruling family. In 2002 oil revenues to the Iraqi government had been rapidly increasing, and eventual escape from sanctions would have left the Iraqi Ba’ath government in charge of the world’s second largest influx of oil revenues<sup>9</sup> [emphasis added].

Hence, those nations most often accused of being behind “state-sponsored terrorism” *also* tend to be those nations most threatening to the stability of the global energy order.

Ironically, the most recent evolution of this energy/military doctrine is based on two left-leaning, progressive US Presidents: Carter and Clinton. In his 1980 State of the Union Address, President Carter stated, “An attempt by an outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America, and such an assault will be repelled by any means necessary, including military force.” This concern with proverbial “outside force” was, however, stimulated very much by the *internal* Iranian revolution – with some vague notion that there were, or could be, links to outside major powers hostile to US interests. Given this inherent (if implicit or latent) internal dimension in the Carter Doctrine, it has not been an especially large logical jump to apply this notion, in the 1990s, to attempts by regional powers (strong local sovereigns) to gain control of the region through local hegemony. As the 1996 Clinton National Security Strategy stated, “We will do whatever it takes to defend these interests, including...the unilateral and decisive use of military power. This was demonstrated clearly in the Persian Gulf War through Desert Storm and, more recently, Vigilant Warrior, when Iraq threatened aggression against Kuwait in October 1994.”<sup>10</sup>

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<sup>8</sup> Clifford Singer, James Walsh, and Dean Wilkening (Rapporteurs), “Ensuring Energy Security,” in *Reinventing Multilateralism*, a report on workshops sponsored by the Program in Arms Control, Disarmament, and International Security at the University of Illinois at Urbana-Champaign; the Institute of Government and Public Affairs, University of Illinois at Urbana-Champaign; and the John D. and Catherine T. MacArthur Foundation as part of its initiative on Strengthening Scientific and Technical Advice on International Peace and Security Policy, pp. 27-36.

<sup>9</sup> Singer et. Al., *Ibid.*, p. 27.

<sup>10</sup> Singer et. Al., *Ibid.*, pp. 28-29.

**In summary.** The current US Grand Strategy mixes together the following goals, missions, and threats:

- Support and maintenance of the prevailing global energy system;
- The US focus on ideologically opposed, strong regional states, which are simultaneously thought to threaten the energy system, the global economic order (in terms of values and norms), allies and friends, and US citizens;
- The US pursuit of “Full Spectrum Dominance” in military capabilities;
- The US focus on primarily state-sponsored terrorism in its definition of global counter-terrorism military activities; and finally,
- The US *combining of counter-proliferation with counter-terrorism*, so that the enemy states that are pursuing one negative outcome are thought or assumed to pursue the other negative outcome as well.

All of these aspects of US strategy are deeply intertwined – especially in regard to the state of Iran. This definitely has the benefit of simplicity: just by focusing largely on Syria and Iran, the US is able to maintain the global energy order; deter or prevent terrorism toward key allies and the US homeland; stop hegemonic dominance of a vital region by a local, strong, sovereign actor; spread the values and practices of a liberal, democratic, and capitalist world order; stop the spread of pernicious ideologies; and prevent nuclear proliferation. *And in all of this, the idea of using UNSCR 1540 as a qualitatively new instruments is easily lost, becoming instead just another avenue, venue, or legal regime to ask all states in the world to crack down on any activities that might lead to nuclear, biological, or chemical proliferation to states such as Syria, the DPRK, and Iran.*

#### **IV. The Complex Realities of Globalization and “Armed Bands”: The New, Evolving Nature of Networked Terrorism Today**

The above dominant approach, championed especially by the United States but also often including its closest Western allies, falls short in addressing the complex realities of today’s global order and unsurprisingly, is being challenged conceptually and operationally along many fronts. In sum: in competition with this Cold War / counterproliferation / counterterrorism approach is a security threat assessment that instead focuses on:

- Cells rather than states;
- Fears of weak, ailing, and failing states in *all* parts of the world, as such areas are thought to be staging and training grounds for non-state terrorist cells;
- Direct foreign aid for all kinds of development rather than laissez-faire trade and financial policies alone;
- Sunni transnational fundamentalism rather than Shi’ite-Persian regional dominance;
- Within Developed countries such as the United States, an increasing appreciation of the possible terrorist leanings of purely intra-state groups, especially those with a right-wing, fundamentalist, anti-globalization agenda;
- Better law enforcement capabilities rather than better conventional militaries;
- Better human and cultural intelligence, and better intelligence information sharing, rather than more space surveillance;

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- A dominant concern with those extreme, non-state groups who actually constitute a direct, physical, unmitigated threat to Developed and Developing countries alike;
- A real concern with WMD-enabled terrorism – but by stateless groups or individuals garnering technology and materials from myriad sources illicitly, rather than by proxy actors funded, equipped, and guided by enemy sovereign states such as Iran; and
- A focus on engagement of nearly all nations (both positive and negative) rather than black-and-white dependence on divisions between absolute sovereign friends and absolute sovereign enemies.<sup>11</sup>

Writers in this tradition rarely if ever even reference “rogue states” such as Syria or Iran – not because such states do not threaten a friend or ally (they do), or not because they do not threaten cheap oil (Iran might), or not because Iran isn’t pursuing a latent nuclear weapons capability (any enrichment capability is a latent weapons capability), but because, to these analysts, *none of the latter activities have much if anything to do with the actual anti-globalization, transnational, terror threat as it is evolving in the global system today*. As argued by two analysts in a publication by the influential *Atlantic Council of the United States*,

...9/11 heralded a new era because it was an attack that, *inter alia*: led to the death of the direct perpetrators; involved a new delivery method in a coordinated assault on civilian and military targets; suggested that asymmetric forms of conflict would be the wave of the future; killed more than three thousand people rather than tens or hundreds, including many first responders; involved an international network based in a ‘failing state’; used new forms of information and communication technologies for planning and execution; and was seen to have no short- or medium-term political motives.<sup>12</sup>

And as noted similarly in the US *National Journal*, “Al-Qaeda was, until October 2001, the deadliest terrorist group in modern history....The Provisional IRA, one of the deadliest terrorist groups of the 20<sup>th</sup> century, killed fewer people in 30 years than al-Qaeda did in 103 minutes on Sept. 11, 2001.”<sup>13</sup> Indeed, as noted by this same article, even though US military and legal counter-terrorism activities have degraded all centralized leadership infrastructure and made it impossible for the group to do the “start to finish” synchronized attacks of 9/11 (its original trademark, as also seen in the US embassy bombings in Africa in the late 1990s), the group has morphed into a qualitatively new type of global entity, in which it is no longer “just an

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<sup>11</sup> These summary points are abstracted from (in no particular order): Joseph McMillan, “Treating Terrorist Groups as Armed Bands: The Strategic Implications,” in Jason Purcell and Joshua D. Weintraub, Eds., *Topics in Terrorism: Toward a Transatlantic Consensus on the Nature of the Threat (Vol. 1)*, The Atlantic Council of the United States, Washington, DC, July 2005; Peter Bergen, “The Evolving Threat from Militant Jihadist Groups: A Discussion of Underlying Causes and Some Thoughts on the Future of Terrorism; New America Foundation, Washington, DC (DRAFT PAPER); Peter Brookes and Julianne Smith, “Course Corrections in America’s War on Terror,” *Bridging the Foreign Policy Divide Briefs*, The Stanley Foundation, Muscatine, Iowa, May 2007, <http://www.stanleyfoundation.org/articles.cfm?id=382>; and Daniel Benjamin, “The Nature of the Terrorist Threat,” *Testimony before the United States House of Representatives Armed Services Committee, Subcommittee on Terrorism, Unconventional Threats and Capabilities*, House Web site, Washington, DC, February 14, 2007, [http://armedservices.house.gov/pdfs/TUTC021407/Benjamin\\_Testimony021407.pdf](http://armedservices.house.gov/pdfs/TUTC021407/Benjamin_Testimony021407.pdf).

<sup>12</sup> Darryl Howlett and Jez Littlewood, “Atlantic Council Topics in Terrorism – Section 2”.

<sup>13</sup> Sebastian Gorka, “Understanding the Jihais, by Way of Sun Tzu,” *National Post* Friday, July 17, 2009.

organization” because of the growth of its ideological significance. In particular, “al-Qaeda represents a successful redefinition of the concept of jihad.”<sup>14</sup>

Indeed, to the extent that the few “rogue nations” are mentioned, it is usually in the context of helping exacerbate the Israeli-Palestinian dispute, which indirectly provides ideological and transnational cultural appeal to potential Al-Qaeda recruits in the First World and Developing World alike. But here, the focus is on *the very existence of that dispute*, not whether an enemy state is winning or losing against a staunch ally like Israel. Hence, writers in this tradition, rather than calling for unfettered and unconditional military and political aid for Israel (and ultimate victory of Israel over all competitors), instead call for real, painful negotiations on borderlines and political rights between Israel and its foes (assuming of course continued aid in Israel’s defense).

Or put another way: under the preceding script, the problem is defined wholly as Iran, Syria, and their proxies, and the solution is therefore logically to destroy or weaken those proxies, and by extension, their sovereign sponsors (hence, Condi Rice’s support for extended and unconstrained Israeli bombing raids in Southern Lebanon and South Beirut, before giving the nod to peacekeeping forces, in August-September 2006). In contrast, under the newer, evolving analytical approach to counterterrorism, the problem lies with *all* parties to the dispute, and the solution is the need to reach a negotiated end to this dispute by means other than war-winning via superior application of deadly force at the interstate or transnational levels (i.e., at the political level, albeit with continued support to Israel for its legitimate needs of self defense and preservation of national identity – goals that are not open to question by any serious analyst in the US debate).

Indeed, weak, troubled, unstable, and failing states are usually identified in this tradition as being far more dangerous to US physical safety than a rising regional power or rogue state. For instance, as John Hopkins-SAIS professor and New America Foundation analyst Peter Bergen notes, “Neither Aum Shinrikyo nor al Qaeda needed state sponsorship to operate...And paradoxically the very weakness of these groups from a traditional military perspective – they do not control territory or command battalions – *makes them more likely to engage in acts of catastrophic terrorism*” [emphasis added].<sup>15</sup>

For this school, the problem of fighting terrorism is a problem of bipartisan US agreement “on the nature of Islamic extremism.”<sup>16</sup> The focus is thus not on a strong and rising enemy state, but *ideological extremism itself*. As analysts Julianne Smith and Peter Brookes argue,

Al Qaeda began to morph from a centrally controlled organization based in Afghanistan into a slew of loosely associated groups and cells that now form part of a global movement...These groups, inspired by jihadist ideology and Al Qaeda’s zealous sense of global purpose, often display...a mix of both local and global grievances. For example, Mohammed Bouyeri, the young man who killed Dutch filmmaker Theo van Gogh, left behind a note detailing his frustration with local Dutch policies concerning Muslims and US foreign policy in Iraq and the

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<sup>14</sup> *Ibid.*

<sup>15</sup> Bergen, *op cited*, p. 1.

<sup>16</sup> Brookes and Smith, *op cited*, p. 1.

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[www.stanleyfoundation.org](http://www.stanleyfoundation.org)

Middle East, more broadly. That act highlighted just how attractive the radical Islamic movement can be for a young, second-generation immigrant in Europe who is facing blatant discrimination and humiliation at home and witnessing the ‘persecution’ of his or her Muslim brothers abroad.<sup>17</sup>

Although both Smith and Brooks *do* say strongly at one point that Syria and Iranian aid to terrorist groups such as Hezbollah and HAMAS is deeply troubling, they also say later on in their co-authored piece that “the United States should not put all of its resources and energy into the single threat of combating [transnational] terrorism at the expense of *other challenges* such as Iran, Russia, North Korea, and China”<sup>18</sup> [emphasis added] – implicitly saying, contrary to the Cold War legacy script, that Iran constitutes a vitally important “other challenge,” quite apart from the threat to the US and the world represented by extremist transnational groups. And as Bergen further states, in fundamental conceptual agreement with many other authors in this tradition:

Al Qaeda’s political ideology can be summarized as a plan to rid the Muslim world, especially the Middle East, of Western influence in order to institute Taliban-style theocracies across the region. This ideology combines elements of anti-colonialism married to the dream of the return of the Caliphate....*Until this political vision is buried, the threat of large-scale Islamist terrorist attacks will remain high....*<sup>19</sup>

Another influential American policy analyst, Daniel Benjamin, in his role as Director of the Center for the United States and Europe at the prestigious Brookings Institution in Washington, DC, argues for a clear taxonomy of terrorist groups that separates out three types of actors: local guerrilla-like groups with parochial political demands, state-supported terrorism, and global transnational terrorism. In this taxonomy, Benjamin, like others in this evolving analytical tradition, largely minimizes the threat to the United States and the global order of state-sponsored terrorism, whether using conventional explosives or WMD. To wit:

It is worth spelling out some of the main types of terrorism the world faces....The **first** includes the familiar ethno-nationalist groups persist in such diverse parts of the world as the Basque region of Spain and Sri Lanka. By and large, however, such groups show little inclination to increase substantially the lethality of their attacks. They are therefore usually a second-tier concern – highly disruptive to the societies in which they are found but posing little danger to the global order.

The **second category**, state-sponsored terror, persists and is unlikely to ever disappear. *But there is something approaching a consensus among scholars that is a phenomenon on the wane.* Several of those countries that were on the State Department’s list have either experienced regime change (Iraq) or appear to have gotten out of the business of terror (Libya); others are largely inactive (Cuba).

Today, state-sponsorship of terror continues most strongly in the Middle East, where both Iran and Syria support Palestinian rejectionist groups....But attacks against European nations and the United States have declined greatly. Syria has avoided targeting Westerners and its proxies have not attacked United States assets in the last two decades. Iran’s last major attack on a Western target

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<sup>17</sup> Brookes and Smith, *Ibid.*, pp. 2-3.

<sup>18</sup> Brookes and Smith, *Ibid.*, p. 6.

<sup>19</sup> Bergen, *op cited*, p. 2

was the 1996 bombing of the U.S. troop facility at Khobar Towers in Saudi Arabia. In short, the state sponsors' appear to be operating now on the assumption that they cannot carry out significant operations undetected, and therefore, the risk of retaliation has become excessive....One oft-discussed nightmare scenario involving state sponsors of terror *is much less likely to occur than is often suggested: namely, an attack with a weapon of mass destruction* such as a nuclear or biological weapon. This specter was summoned regularly by members of the Bush administration in the run-up to the war with Iraq, with the argument that “on any given day,” Saddam Hussein might give a nuclear weapon to a terrorist group because it would allow him to hurt the United States “without leaving fingerprints.” Setting aside the issue of Iraq’s non-possession of such weapons, this was extraordinarily unlikely to occur for the same reason that state sponsorship has waned generally: there is no way to be assured that one’s involvement will be undetected.

The **third and most dangerous form** we face is that of radical Islamist terror. As we have seen both on 9/11 and in a number of other conspiracies, these terrorists possess a desire to kill on the grand scale. In contrast to the large majority of terrorist groups, jihadists have demonstrated an interest in indiscriminate killing, including with weapons of mass destruction going back as far the early 1990s. The aspiration to use such weapons – and after 9/11, no one should doubt that they would use them – indicates that these militants see violence in a different way than most others. For them, the violence is not a means of forcing an opponent into negotiations and incremental concessions but *a sanctified activity that aims at massive change*. To a degree not true of most other terrorists, the violence is also an end in itself<sup>20</sup> [emphases added].

Finally, one French expert on criminology has noted that out of 25 known attempts by non-state actors to use chemical or biological weapons, many of the most disturbing and almost-successful such attacks involved American right-wing, sub-state groups. Notably,

In 1972, a member of the right-wing extremist Order of the Rising Sun was arrested in Chicago in possession of 35-40 kilograms of typhoid bacteria cultures with which he planned to contaminate water tanks of the city, St. Louis, and other major Midwestern towns. In 1976, letters were mysteriously sent to mayors of various American cities. The adhesive on their envelopes contained deadly germs. In 1983, a police unit in the US arrested two brothers in possession of about ten grams of lethal biological agents. In 1984, a sect deliberately contaminated salads in the restaurant of an Oregon village to influence the result of a local election....In 1995, four members of the Minnesota Patriots Council....were convicted of conspiracy charges under the Biological Weapons AntiTerrorism Act of 1989 for planning to use ricin against Federal Agents. Also in 1995, the police intercepted the planning of an attack using neurotoxic agents in Disneyland....<sup>21</sup>

The terrorist threat, in this sense, is hugely diverse and diffuse, where the centralizing point is not a state, but an *ideology*. This ideology is based on alienation and a sense of being personally wronged by the local, regional, and global systems currently in effect. In this sense, one should not be surprised that attacks tend to be against Western-oriented commercial interests and infrastructure – the characteristics of globalization itself – as much as it is against a specific country.

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<sup>20</sup> Benjamin, *op cited*, pp. 1-3.

<sup>21</sup> Francois Haut, pp. 121-22, “The Asymmetric Character of the Evolving Chemical, Biological, and Nuclear (CBN) Threat,” in David Martin Jones, Ed., *Globalisation and the New Terror: The Asia-Pacific Dimension*, pp. 119-126, Edward Elgar Publishers: Northampton, Massachusetts, USA.

And under this security script, therefore, the word “strategic” means something quite different from monitoring an enemy’s conventional forces, missile launch programs, or nuclear energy industries. Rather, *the empowerment of ideology via information technology* is noted as perhaps the greatest strategic threat. As noted by Joe McMillan, a prominent professor at the non-partisan National Defense University (in a piece that does not mention either Syria or Iran even once),

[P]lanners must constantly keep in mind the differences between fighting an actual state...and the much more elusive enemy that is a terrorist insurgency....Indeed, the information revolution [that is part of globalization] is a major facilitator of almost anything a terrorist group would want to do, from collecting intelligence to propagating its ideological message to recruiting, indoctrinating, and training new personnel....Thorough indoctrination in what soldiers would call ‘the commanders intent,’ coupled with the most sporadic of communications, could yield an unprecedented degree of fluidity and unpredictability in terrorist operations. An apocalyptic agenda...would be particularly suited to such a loose, unstructured organizational approach....*The lack of a centralized terrorist command and control structure renders irrelevant much recent military operational theory that focuses on attacking the enemy's decision-making capabilities....[al Qaeda]...is nothing less than a transnational insurgency aimed not only at the conservative regimes of the Middle East but at the entire international state system*<sup>22</sup> [emphasis added].

Based on this definition of the threat, it should be no surprise that McMillan (who is writing for a defense audience) advocates a new evolution in US defense doctrine focused not on armed *forces*, but on armed *bands*. Although McMillan is careful to argue that armed force is still needed in the fight against terrorism, and the US ability to track, monitor, identify, and destroy such “bands” is still vitally important, he also is careful to say, in so many words, that much of the extent US military machine has very little use or purpose in the very particular battle against Islamist-inspired, revolutionary, anti-system transnational extremism.

Bergin also backs up this conceptualization of the strategic threat, noting that:

[A]lthough bin Laden and his deputy Ayman al Zawahiri don’t exert day-to-day control over al Qaeda, they do continue to supply *broad strategic guidance....Statements from [them]...have always been the most reliable guide to the future actions of [transnational, anti-Western] jihadist movements around the world....*Shortly after bin Laden called for assaults against Western economic interests in October 2002, an Indonesian disco was bombed, killing 200 mostly Western tourists, and a suicide attack was launched at a French oil tanker steaming off the coast of Yemen. In December 2003, after al Zawahiri condemned Pakistan President Pervez Musharraf for supporting the campaign against al Qaeda, Musharraf narrowly survived two assassination attempts. Around the same time, bin Laden called for attacks against members of the coalition in Iraq. Terrorists subsequently bombed a British consulate and a bank in Turkey and commuters on their way to work in Madrid....Arresting the spread of bin Laden’s ideas will prove more problematic than arresting his lieutenants or foot soldiers.<sup>23</sup>

Finally, a French criminal expert has noted that “In this, one can see that each group linked to this fuzzy entity has autonomy to decide the way it will fight the jihad according to a general

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<sup>22</sup> McMillan, *op cited*, 32-33.

<sup>23</sup> Bergen, *op cited*, pp. 2-3.

guideline. This implies that we cannot work out a pattern of action with any degree of logic and predictability. This is unlike the Middle East terrorism of the 1980s.”<sup>24</sup>

And indeed, with an anti-system ideology as the core problem, one cannot define this threat in terms of “weak or failing states.” In fact, argues Bergen, failed states like Somalia or Sudan often merely provide a training ground and perhaps a few raw recruits, because miserable levels of poverty are *not* linked directly to the above physical and ideological threat at the transnational level.<sup>25</sup> Rather, poverty and failing states are enablers, not the root cause.

And so it should be no particular surprise that Brookes and Smith, operating on a similar definition, focus *not* on the RMA, US “friends and allies,” nuclear and missile arsenals, evil regimes, Global Strike, or state sponsors of terrorism, but rather on a stronger FBI law enforcement capability, better foreign aid for education, better economic development policies to decrease unemployment rates in countries such as Pakistan, better sharing of domestic information between FBI and Homeland Security databases, better integrative authority granted to the US National Counterterrorism Center, more human intelligence on radical groups and trends, and shutting down of terrorist funding by states and non-state individuals alike.<sup>26</sup> And flowing from this school’s belief that ideology itself is at issue is a strong recommendation for better human rights practices and policies by the United States, both in terms of positive pressure on US allies who are authoritarian in nature and in terms of US detainment procedures.

And as it turns out, this precept actually aligns perfectly with the relatively new **UN Global Counter-terrorism Strategy**, which was unanimously agreed and supported by all 192 members of the UN General Assembly in September 2006.<sup>27</sup> This strategy, like the emerging US security script, focuses on development, education, more integrated law enforcement, greater training of local judiciaries and law enforcement authorities throughout the Developing World (via global agencies such as the UN Office on Drugs and Crime or UNODC), better human rights practices by those same authorities in their localities, leveraging of private sector expertise and data (given the globalized nature of terrorist cell information gathering and propagation), more inter-faith dialogues at the regional levels under organizations such as ASEAN, and specific de-radicalization and re-education programs at the local levels (with UN funding and guidance).<sup>28</sup> But perhaps most importantly, the UN strategy merges with this US security script on the role of respect for human rights in prosecuting the war on terror.

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<sup>24</sup> Francois Haut, p. 124, “The Asymmetric Character of the Evolving Chemical, Biological, and Nuclear (CBN) Threat,” in David Martin Jones, Ed., *Globalisation and the New Terror: The Asia-Pacific Dimension*, pp. 119-126, Edward Elgar Publishers: Northampton, Massachusetts, USA.

<sup>25</sup> Bergen, *Ibid*, pp. 21-22.

<sup>26</sup> Brookes and Smith, *op cited*, pp. 6-10.

<sup>27</sup> For the full text of the UN strategy and annexed plan of action, including a detailed list of recommended measures by UN member states, see <http://www.un.org/terrorism/strategy-counter-terrorism.html>. For more details on the UN's Counter Terrorism Implementation Task Force (CTITF), see *Implementing the Global Counter-Terrorism Strategy, a Fact Sheet published by the Peace and Security Section of the Department of Public Information, the United Nations*, May 2007, at [http://www.un.org/terrorism/pdfs/CT\\_factsheet\\_may2007x.pdf](http://www.un.org/terrorism/pdfs/CT_factsheet_may2007x.pdf).

<sup>28</sup> See “Executive Summary,” *Implementation of the UN Global Counter Terrorism Strategy*, Report of the 42<sup>nd</sup> Conference on the United Nations of the Next Decade, The Stanley Foundation, Muscatine, Iowa, August 2007, pp. 2-7.

**Conclusion.** To summarize the emerging, post-9/11 school of thought, then, there are roughly three categories of terrorists:

- **FIRST CATEGORY: Truly transnational extremists** who oppose the economic and social implications of globalization, and who use Islam in much the same way that the Bolsheviks used Marxism: as a world-spanning, totalizing, utopian, and revolutionary ideological script, completely separated from any local sense of national tradition or culture, that has at its center the use of catastrophic violence against global centers of power as a source of legitimacy and as a means of recruitment of those people in local environments who are already alienated or disempowered by the same forces of globalization that the transnational extremists oppose;
- **SECOND CATEGORY: Local terrorists in the Developing World** who use asymmetric violence as “tools of the weak” to protest and fight against what they see as a chronically unfair and unjust division of public goods, often against domestic governments who are ruled by one particular minority ethnic, religious, or ideological clique (Central Asian post-Soviet states and several African countries provide ready examples of this phenomenon, as do the most violent and rejectionist Palestinian resistance groups in the West Bank).
- **THIRD CATEGORY: Local terrorists in the Developed North** who are experiencing strong forms of cultural and socio-economic alienation due to their original uprooting from their countries of birth and their increasing frustrations with failed attempts to integrate into Western polities, especially in Western Europe.

**Where does “state support for terrorism” fit into all of this?** According to this school of thought, it is most often the second category of terrorist groups who are aided in some way by states, not the first or third categories, *and it was the third category that was responsible for 9-11 and which are most likely to be the perpetrators of further catastrophic levels of violence on the US homeland.* As Bergin notes, terrorists coming to US territory are most likely to come from Europe or other allies, and are most likely to be a motley mix of second-generation Moroccans, Tunisians, Algerians, Pakistanis, Egyptians, or many others from throughout the Muslim world – not Iranians or Syrians, or the proxy anti-Israeli groups they support such as HAMAS or Hezbollah. Thus, state support for terrorism is indeed an evil that must be curbed, but *state-sponsored terrorism has little, if anything, to do with the transnational threat to the US homeland itself, or the globalized system in general.*

**Where does Al-Qaeda fit into all of this?** It is true that before the U.S. attacks in Afghanistan following 9-11, Al-Qaeda constituted a large, centralized network with strong ties to the Taliban government, which touted a totalitarian ideology that oppressed, tortured, and killed anyone who dared to challenge their puritanical fusion of Islam and politics. But at a more macro level, according to this school of thought, Al-Qaeda has always been a loose ideology that seeks to capitalize on local conflicts in failed states around the world. It may use (and abuse) states that are failing or weak, but it is not permanently or strongly allied in a consistent way with specific state governments, as seen with the Cold War bipolar system of ideological blocs based on sovereign state allies. For this school, the true danger facing stakeholders in the global order (such as the United States) is not a strong totalitarian government with a huge central army (the

Soviet threat that the Bush NSS compares to Al-Qaeda), nor is it global terrorists aided by rogue states, but rather, the exploitation by scattered extremists of failed state environments like Somalia, Iraq, Sudan and others to gain recruits.<sup>29</sup>

In other words, the evolving nature of fundamentalist, anti-globalization terrorism specified in category one threatens all states and societies taking part in the globalized order, not just US friends and allies. For instance, the new type of transnational terrorism responsible for the November 9, 2005 attacks on three hotels in Amman, Jordan, does not discriminate between Sunni and Shia Muslims, secular or religious, Persian or Arab. It opposes all forms of moderate political Islam and all current regimes throughout the Middle East, Iran included.<sup>30</sup> To put it in the most generic terms possible: *we are living in a world where there are pervasive dangers emanating from the global illicit economy and generalized forms of violent non-state groups adhering to extreme ideologies.*

## **V. Conclusion: Implications of Violent Armed Bands for Dual-Use Technology Governance**

**Nuclear Threat Assessment and Responses.** Despite the dominant media and elite attention on the WMD and terrorist-supporting activities of “rogue state actors” such as Iran and the DPRK, such “rogues” are unlikely to give up whole weapons or even HEU to untrustworthy non-state actors. Moreover, all “*state-supported terrorism*” these days (according to experts focused purely on terrorism itself as a global phenomenon, not on WMD) goes in the category of *insurgent groups fighting for local political goals, not transnational, anti-globalization groups*. One prominent example of a state-supported group with local geopolitical aims is Hizbollah, focused in its socio-political mandate on Lebanon and Israel, despite the fact it has illicit economic tendrils around the world to fund its local activities (much like the IRA did, for example – depending on the benefits of global illicit monies but still squarely centered on local goals).

Meanwhile, for all *truly non-state groups* with more *global socio-political ideologies*, the ability to successfully buy or steal a whole weapon or enrich uranium through their own devices is agreed by most experts to be physically impossible, in part because whole weapons are better guarded and also are designed to explode in a fission reaction only under very strict physical circumstances and have safety devices installed against tinkering, and in part because the actual production of fissile material, even LEU, takes sovereign states several dedicated facilities, billions of dollars, and often five years or even decades – putting a high threshold on this act that a non-state group will not be able to breach.

Thus, putting these two threads together, *the following events are highly unlikely:*

- A *state-supported terrorist group* carrying out a *CRBN attack on the Global North*, to support a *broad, utopian, anti-globalization mandate*;

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<sup>29</sup> This paragraph is excerpted and abstracted from Lawrence Korb and Caroline Wadhams, “A Critique of the Bush Administration’s National Security Strategy,” *Stanley Foundation Policy Analysis Brief Series*, Muscatine, Iowa, June 2006, p. 4.

<sup>30</sup> Michael Kraig, “Forging a New Security Order in the Persian Gulf,” *Stanley Foundation Policy Analysis Brief Series*, Muscatine, Iowa, January 2006, pp. 7-8.

- A *non-state terrorist group* exploding a *fully operational, sophisticated nuclear device* anywhere in the world.

As noted by one French criminal expert, “If some States do possess some sort of CBN arsenal, it’s unlikely that they would share it with terrorist groups that they do not control. When coupled with the increasing reality that state-sponsored terrorism is almost nonexistent, at least for large-scale action in the Western world, this mode seems highly improbable.”<sup>31</sup> Instead, the main two threats coming from the nexus of extremism and nuclear materials are:

- A group such as Al-Qaeda acquiring materials, *specifically HEU*, for a *simple gun-type bomb (50-60 kilos)* as produced by South Africa in the 1970s and 80s.
- The malicious but wholly indirect consequences of national attempts by proliferators to get around current state-based regimes. Specifically, in their attempts to field national arsenals by going around the traditional denial regimes, the de facto nuclear states (India, Pakistan, Israel, DPRK) and any nuclear states with uncertain long-term weapons intentions (I.e., Iran) could inadvertently lose or spread materials and knowledge to non-state terrorists, due to heavy reliance on front companies, middle-men, and illicit trafficking networks in general to create their national-controlled capability. This is what happened, for instance, with the A.Q. Khan Network, to the dismay of many politicians and Army leaders who constituted the central Pakistani authorities at the time.

**Biological and Chemical Threat Assessment and Response.** As noted by one international author: “[W]e must...face the brutal reality that no technological remedies can provide complete confidence that we are safe from CBN attacks,”<sup>32</sup> due to the pervasive industrial and commercial nature of the knowledge, materials, and equipment that inherently go into CW and BW weaponization. For instance, one of the most likely, most covert (invisible), and most deadly and easy-to-make chemical agents, ricin, has been repeatedly sought and used (so far unsuccessfully) by US right-wing extremist groups, and there seems to be no way to use “export controls” or “customs procedures” to protect against either domestic US terrorist attacks or a group like Al-Qaeda making this relatively easy-to-produce, bio-toxic, chemical agent. As noted by one leading French criminal expert, “[A]bout thirty grams of ricin, easily concealed anywhere, would be sufficient to lethally poison one batch of 150 pounds of meat, enough to produce 1,500 hot dogs. The threat is real and the knowledge required is not esoteric.”<sup>33</sup>

Meanwhile, there is already evidence that, at least in the US, stronger efforts to regulate dual-use materials is shutting down and impeding completely legitimate (and globally competitive) biological research and invention. For instance, in the area of life sciences and biology, disease production uses the same brewers, fermenters, freeze-drying, and milling machines as the

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<sup>31</sup> Francois Haut, p. 122, “The Asymmetric Character of the Evolving Chemical, Biological, and Nuclear (CBN) Threat,” in David Martin Jones, Ed., *Globalisation and the New Terror: The Asia-Pacific Dimension*, pp. 119-126, Edward Elgar Publishers: Northampton, Massachusetts, USA.

<sup>32</sup> Francois Haut, p. 125, “The Asymmetric Character of the Evolving Chemical, Biological, and Nuclear (CBN) Threat,” in David Martin Jones, Ed., *Globalisation and the New Terror: The Asia-Pacific Dimension*, pp. 119-126, Edward Elgar Publishers: Northampton, Massachusetts, USA.

<sup>33</sup> *Ibid.*

pharmaceutical industry of any country or multinational corporation. These devices are so basic that export controls (denial methods) are necessary but ultimately imperfect, at least if one presumes that it is a common goal of all nations to allow a viable commercial biological industry and scientific community to exist. Also, it is now commonly understood that the “mass casualty” scenario of either bio-terrorism or a natural disease outbreak globally is the spread through *globalized transport networks* of contagions that are, in relative terms, somewhat easy for non-state groups find or to re-create (or, alternatively: in poor countries with poor public health infrastructure and sanitation in general, relatively easy to *break out naturally* and spread). This includes the bubonic plague and typhoid, for instance.

But: the key is “spread.” If the contagion is not massively contagious, it is useless for producing **mass casualties**, which is the whole point that a violent non-state group would forgo much more easy, much less risky, and much less uncertain conventional methods in favor of WMD. After all – the mass casualty of conventional explosives or devices have been shown repeatedly, from the bombing of discoteques by the IRA to the use of passenger jets on 9-11 to the Oklahoma City Bombing against a Federal Building. Therefore, while basic bio weapons cannot be reliably stopped with perfect export controls (denial regimes), the *effects* of such weapons, in terms of mass casualties, can be stopped if virulence and spread is stopped by effective public health systems, making such weapons much less certain in their effects and thus, less desirable by a terrorist group with limited funds, facing an already difficult operating environment in which to weaponize CRBN without detection by authorities.

Thus, although certainly necessary, technological defenses such as beefed up scanning and database-tracking procedures for dual-use materials and equipment are not the full answer. Rather, the final answer is in the area of human capital and social linkages that allow coordinated and effective responses to attacks or natural disease outbreaks in general, not high-tech detection devices for 100% prevention of mass-casualty events.

**The Use of Conventional Explosives to Achieve Unconventional Results.** Finally, it could be far easier for a transnational or sub-national group to target vulnerable chemical and nuclear sites with conventional explosives than to manufacture an exotic and hard-to-predict device. The leak of the Bhopal chemical facility in India, owned by MNC Union Carbide, killed thousands, for example, due to a natural (non-terrorist) breach. Similar effects could be achieved by terrorists using an “Oklahoma-City-type-device” (a truck bomb, for instance) to detonate beside fragile nuclear plants or chemical storage and processing sites. As argued by one French expert, “Many of these targets are quite weak, even if their security has been significantly reinforced....In 1984, the catastrophe at Bhopal, India, killed at least 2,500 following a problem that occurred in a pesticide factory. That same year in Mexico City, an explosion of liquid gas tanks killed 4,248. Most memorably, the nuclear accident at Chernobyl in 1986 demonstrated the structural vulnerability of reactors....What occurred by accident yesterday could be deliberately wrought tomorrow.”<sup>34</sup>

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<sup>34</sup> Francois Haut, p. 120, “The Asymmetric Character of the Evolving Chemical, Biological, and Nuclear (CBN) Threat,” in David Martin Jones, Ed., *Globalisation and the New Terror: The Asia-Pacific Dimension*, pp. 119-126, Edward Elgar Publishers: Northampton, Massachusetts, USA.

Thus, an “*effects based*” assessment of the threat actually points away, again, from the usual Western filter of WMD weapons as separate, highly specialized devices (weapons) delivered by a purely foreign agent. Thus, focusing on extremist groups in general, and on *any attempts to purchase highly explosive conventional materials* as well as dual-use materials for WMD, is part of the 1540 picture. While 1540 rightly should focus on the pharmaceutical industry and things such as fermenters, millers, and freezers (to the extent possible – it can only go so far), and on securing all HEU in the world to protect against illicit smuggling of it, it should also involve normal law enforcement efforts in monitoring things that can make Oklahoma-city-like bombs. This again points to law enforcement capacities for identifying, monitoring, and analyzing extremist group activities, whether they are laundering money, using front companies, or engaging in illicit smuggling. And, thus, this means greater, more focused support for those development activities in under-developed states that can lead to prevention of transnational or non-state groups engaging in mass casualty attacks of any nature.

**Proscriptions for CRBN Threat Assessment and Response in a Globalized, Interdependent World.** All of this adds up to a set of conclusions that are still not readily appreciated by UN Member States of either the Global North or Global South. Illicit WMD proliferation can no longer be separated from transnational crime, illicit trafficking, and the violent and criminal consequences of the “negative underbelly of globalization” in general, or in other words, 1540 implementation cannot be separated from the global illicit economy and its many violent offshoots, including drug, gun, and people smuggling, as well as the laundering and financing of “dirty money” in the First World and Developing World alike. This implies that 1540 implementation will be as much – or more – about general top-down and bottom-up “national capacity building” and “technology governance” in the Developing World rather than top-down “technology denial” methods, as seen in traditional sanctions regimes passed by the UN Security Council.

In part, the above is true because of the fact that, beyond highly-enriched uranium or plutonium, the dual-use materials, technologies, expertise, and equipment that go into making dangerous biological and chemical agents are largely indistinguishable from those needed for “normal” scientific advancement, research, and commercial activities. Thus, export and border (customs) controls will only go so far in combating the truly non-state, transnational threat of extremist terrorism with an anti-globalization bent, involving a possible use of CBW in terrorist acts, or just as likely, involving conventional explosives in unconventional ways against “soft targets” that could have a catastrophic chemical or nuclear results, such as nuclear or chemical facilities in the Developing or Developed World alike.

Therefore, development and national-capacity building in under-developed states across the globe must be a core component of 1540 implementation, especially in the areas of law enforcement; advanced WMD forensics; linkages to international databases for advanced data sharing on extremist groups and their activities; legal infrastructure to ensure compliance with international conventions on crime and trade; anti-crime infrastructure specializing in identifying phony or “front” corporations and businesses used by illicit transnational actors to generate and move money and dual-use materials; increased capabilities to track, identify, and analyze complex transnational financial deals and transactions; serious disease prevention capabilities; post-attack response capabilities of civil authorities for disasters; and finally, overall health

infrastructure. Such areas are increasingly more important indirect measures to combat transnational threats than the traditional NPT “three legged stool” of state-based nonproliferation, nuclear technology development, and nuclear disarmament.

UNSCR 1540 already provides a legal, normative, and action-based framework for moving toward *technology governance* rather than *technology denial* approaches in nonproliferation. This means that the focus of activities under UNSCR 1540 will not be primarily on “rogue states” or state-supported terrorism, but rather, on the following interlinked elements: systematic, global tracking and securing of nuclear materials, especially HEU, as well as dual-use agents and materials for CBW; tracking, identifying, and monitoring extremists networks, both sub-national and transnational in nature; and increasing sophistication in both the multilateral (interstate) and national identification of those networked patterns and webs that point holistically toward potentially dangerous group activities with violent ends.

More generically, there is a crying need for a truly global buildup in law enforcement capabilities that can detect the signature *human network activities* that point to *both* conventional and unconventional non-state terrorist intentions and acts in general. This would mean applying 1540 on a *universal basis* that applies equally and neutrally, on a non-discriminatory basis, to all states in the international system, regardless of their actions (negative or positive) on more traditional nonproliferation fronts under the NPT.

And this brings up a final point: “dirty money,” in large quantities, needed to “grease the skids” of global, transnational terrorism of a WMD type. “Big money” is involved if a fringe group (Al-Qaeda or other) tries to weaponize a chemical or biological agent – or, alternatively, tries to smuggle, buy, and weaponize vulnerable nuclear materials. Big money is a given for *procuring* nuclear materials illegally, while big money is also a given for the complex and difficult task of *weaponizing* bio-chem agents.

In turn, this raises the question: where does such “big money” come from, and how is it used as investments to create even more funds, in terms of the modus operandi of wealthy non-state or transnational terror groups? Answers include: illicit drugs, guns, people trafficking, investment in legitimate companies through intermediaries, bribery or blackmail of officials, and other forms of criminal activity and corruption. As noted by one Australian expert, John MacFarlane, on illicit money practices, “[C]riminal money laundering on a global scale is a massive problem. Michel Camdessus, the former Head of the International Monetary Fund (IMF), has assessed the annual volume of money laundering worldwide at US\$600 billion, or between 2 to 5 percent of global GDP.”<sup>35</sup> Thus, efforts to cut down on the latter will slowly but surely dry up funding sources for extremist groups wishing to procure, manufacture, and weaponize a WMD device, turning them toward less expensive, less exotic conventional materials that can themselves be increasingly monitored and regulated.

And this again brings up focused development and capacity-building projects under a broad 1540 mandate. As MacFarlane also notes, “the development of transnational organized crime” is

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<sup>35</sup> John MacFarlane, p. 246, “Organised Crime and Terrorism in the Asia-Pacific Region,” in David Martin Jones, Ed., *Globalisation and the New Terror: The Asia-Pacific Dimension*, pp. 238-254, Edward Elgar Publishers: Northampton, Massachusetts, USA.

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helped greatly by the fact that Developing Countries often have difficulty “in developing and maintaining the technical skills required to keep pace with banking and financial methodologies, developments in computers, technology and communications, and the increasing complexity of national and international law.”<sup>36</sup>

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<sup>36</sup> *Ibid.*, p. 240.