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ПОЛИТОЛОГИЯ

The International Cooperation in the Fight Against the WMD Terrorism

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Abstract. The WMD terrorism belongs to current most compelling security threats. It has its roots yet in the 1970s. The interconnection of the most destructive weapons and terrorist groups ready to cause a large number of casualties and extensive material damage resulted in international efforts and a complex agenda to fight against the security threat. The main aim of the article is to analyse main legal and institutional instruments of the WMD non-proliferation and disarmament regime and to critically assess their contribution to preventing and countering the WMD terrorism security threat.

Keywords: Weapons of Mass Destruction; Terrorism; Security Threat.

Introduction

Weapons of mass destruction (WMD) [1] belong currently to the most destructive weapons constructed by human being. They were designed to kill a large number of people and to cause extensive material damage. During the Cold War the proliferation of WMD was connected mainly to state actors in the context of ideological competition between superpowers, the USA and the USSR. The intense proliferation of WMD led to the creation of vast stockpiles of WMD that were influencing international relations for decades. During the Cold War the nuclear war between the superpowers was perceived as the most compelling security threat [2].

The security threat of non-conventional terrorism [3] was connected only to states sponsoring terrorism that could potentially provide terrorist groups with WMD during the Cold War. Nevertheless, concrete events of non-conventional terrorism can be identified back in the

1970s and proved the incoming trend. To most significant examples of WMD terrorism belong following incidents. In 1973 the left-oriented terrorist group Symbionese Liberation Army used cyanide against two employees of an American school and killed one of them. In 1984 the Kult Rajneeshpuram infected food in a restaurant in Oregon in the US by the bacteria of salmonella and poisoned more than 700 people. These attacks were perpetrated by primitive chemical and biological weapons. However the most serious WMD terrorism attack in the history occurred in 1995 when the Japanese cult Aum Shinrikyo used chemical weapon sarine in Tokyo subway and killed 12 people and intoxicated more than 5000 [4].

The end of bipolarity did not lead to the expected positive change of the international security environment. On the contrary, new security threats and challenges connected to the WMD proliferation occurred. New trend was marked by the increase in the number of proliferators of WMD on state and non-state level. Particularly dangerous became the efforts of terrorist groups. Their primary aim became to achieve a large number of casualties that creates a global atmosphere of fear and influences the public opinion psychologically on the global level [5]. This was demonstrated by the most lethal multiple terrorist attack perpetrated by Al-Qaeda on 11th September 2001 against the US. In consequence of the changed character of current terrorist groups and continued proliferation of WMD, the interconnection of both security threats is still present. A terrorist attack with sophisticated nuclear, chemical or biological weapons would probably have profound consequences on international security. Therefore the global fight against any efforts of terrorist groups to acquire and use WMD became priority of security strategies and doctrines. Its success will definitely influence the character and extent of the WMD terrorism threat in the future.

Under these circumstances the aim of the article is to analyse main legal and institutional instruments of global nuclear, chemical and biological non-proliferation and disarmament regimes that have an impact on the fight against the WMD terrorism. The article critically evaluates their contribution to preventing and countering of the WMD terrorism and identifies their main shortcomings that hinder the success in the elimination of the WMD terrorism threat.

Preventing and Countering the WMD Terrorism

Concrete historical examples of WMD terrorism attacks proved that especially western societies are vulnerable to them. As a result, demands on the complex fight against the WMD terrorism threat are rising. However it is problematic as it is closely connected to the character of current terrorist groups. Specific terrorist groups follow extreme goals and do not hesitate to use more violent non-conventional methods to achieve them, including WMD. Moreover, concrete terrorist groups and organizations have capabilities to acquire and use non-conventional weapons. These are the primary reasons why preventing and countering the WMD terrorism have become one of the priorities of the international community since the mid-1990s [6]. The character of this security threat is essentially influenced by the efficiency of international multilateral measures and cooperation in the complex fight against the terrorism agenda.

The fight against the terrorism can be generally defined as “long-term activities that include the use of non-military instruments and methods in the ultimate extent” [7]. These are mainly diplomatic, political, economic and legal instruments, international cooperation, implementation of preventive and repressive measures etc. Their primary aim is to prevent and counter terrorist acts. In this context, main elements of the fight against WMD terrorism are:

1. Measures to prevent the proliferation of nuclear, chemical and biological weapons, materials, technologies and know-how;
2. Measures to secure existing weapons, materials and technologies arsenals;
3. Repressive instruments criminalizing illegal activities connected to WMD proliferation for the purpose of terrorism [8].

The first two groups of measures include international legal norms and international institutions that are integral parts of the global non-proliferation and disarmament regimes. They are preventive measures as they prevent the proliferation of nuclear, chemical and biological weapons, provide for the security of nuclear, chemical and biological materials and for the effective protection of facilities for the WMD production. In the context of the WMD terrorism their primary aim is to prevent terrorist groups and organizations to acquire and use nuclear, chemical and

biological weapons, materials and technologies to achieve their aims. Such a scenario would have in fact catastrophic impacts on international security.

The third group of instruments includes international legal norms and institutions to counter the WMD terrorism that are repressive in nature. Their aim is to constitute mechanisms that enable states to prosecute and punish perpetrators of WMD terrorism acts. These instruments concretely criminalize illegal activities with nuclear, chemical and biological weapons, materials and technologies perpetrated by non-state actors, including terrorists. The effective fight against WMD terrorism demands the mutual compliance of all the three groups of international instruments. The following chapters deal with the main international legal and institutional instruments of the global non-proliferation and disarmament regimes that contribute also to the fight against the WMD terrorism.

Major Legal Instruments

The Treaty on the Non-Proliferation of Nuclear Weapons

One of the most important integral parts of the global non-proliferation regime is the nuclear non-proliferation regime. Its legal and political keystone is the Treaty on the Non-Proliferation of Nuclear Weapons [9] (also known as the Nuclear Non-proliferation Treaty, NPT) of 1968 (entry into force in 1970). The primary aim of the NPT is to prevent the horizontal proliferation of nuclear weapons and technologies among State Parties, to promote peaceful use of nuclear energy and to move towards nuclear disarmament.

In relation to the nuclear terrorism prevention, the NPT has only limited jurisdiction as it does not deal with the threat directly. Relevant to the nuclear terrorism prevention is the article VI. that contains binding commitment of State Parties to pursue negotiation on effective measures to end nuclear arms race and on nuclear disarmament [10]. In the context of the nuclear terrorism, only comprehensive nuclear disarmament can prevent the misuse of nuclear weapons and technologies for the purpose of terrorism. This aim can be achieved only providing that all nuclear-weapons states abandon their nuclear arsenals.

Despite American and Russian bilateral activities in the nuclear arms control, no significant progress from the short-term perspective can be expected. Problematic states in this context are Israel, India and Pakistan that possess nuclear weapons or, in the case of Israel, are suspected to possess them. They did not ratify the NPT so they stand beyond its legal regime and international control. Another problematic state is DPRK that withdrew from the NPT in 2003 after its military nuclear programme had been revealed. This action de facto meant the impairment of the credibility of the NPT regime. On the other hand the NPT regime has been weakened by Iran that as a State Party does not observe its obligations arising from the NPT and is being suspected of the development of the military nuclear programme in the long term [11]. As a result of this development in international relations, it can be asserted that actual implementation of the NPT commitment of State Parties related to the nuclear disarmament does not lead to the prevention of the nuclear terrorism.

Other articles that prevent the nuclear terrorism indirectly can be considered those that prevent the horizontal proliferation of nuclear weapons and technologies and in fact the formation of new nuclear powers with nuclear arsenals that could be a relatively easy target for non-state actors. These are article I. of the NPT that obliges the Nuclear-Weapon States (NWS) [12] not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons and devices to any Non-Nuclear Weapons State (NNWS). Other relevant article is the article II., according to that the NNWS have the commitment not to receive nuclear weapons or nuclear explosive devices or control of such weapons and devices [13]. These NPT provisions can serve as an effective prevention of the nuclear terrorism only under the condition, that all states developing nuclear programmes ratify the NPT and at the same time accept its verification mechanism of the International Atomic Energy Agency (IAEA) that consists of system of controls and measures to secure nuclear materials, especially the fissile material and sensitive activities within the fuel cycle in nuclear reactors as uranium enrichment and reprocessing. The verification mechanism is the base for monitoring and limiting the access to sensitive materials and technologies and in fact increases their security. The implementation of the verification mechanism reduces the risk of acquiring and use of nuclear weapons, technologies or materials by terrorist groups.

The NPT can serve as an effective preventive measure of the nuclear terrorism only under the condition that all states become its State Parties and accept the verification mechanism that through strict measures enables the control of compliance with the NPT obligations and is able to secure declared or undeclared nuclear and radioactive material against efforts of terrorist groups to acquire and use it. On the other hand, the NPT can serve as an effective preventive measure in the case of establishment of an institution with the right to control the implementation of commitments of State Parties and to enforce sanctions mechanism in case of any NPT provision violation.

The Chemical Weapons Convention

In order to prevent chemical terrorism, the chemical non-proliferation and disarmament regime plays a significant role. Its substantial element is the multilateral Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the Chemical Weapons Convention, CWC) that was adopted in 1993 (entry into force in 1997). Its main aim is a complex elimination of all sorts of chemical weapons. In this context the CWC can be considered as an important instrument in the chemical terrorism prevention.

The CWC does not deal with the chemical terrorism directly. According to the Article I. of the treaty the State Parties have the obligation not to use, develop, produce, otherwise acquire, stockpile or transfer chemical weapons to anyone. In addition to that they have the commitment not to help and assist to anyone in any activity that is prohibited by the CWC. In the context of the chemical terrorism prevention, another commitment of State Parties is relevant. It is a commitment to secure and destroy all chemical weapons and to destroy all chemical weapons production facilities under the jurisdiction of the State Party [14]. The obligations stated above have only indirect connection to the prevention of chemical terrorism as the destruction of chemical weapons and the prohibition of their production eliminate one of the potential means of chemical terrorism. The observance of these obligations by State Parties has the potential to eliminate the security threat of chemical terrorism.

However, not only chemical weapons can be misused by non-state actors. More probable is the misuse of toxic chemicals and their precursors. According to the Article VI. of the CWC State Parties have the right to develop, produce, acquire, stockpile, transfer and use toxic chemicals and their precursors [15]. At the same time they have the commitment to adopt all necessary measures to ensure that all toxic chemicals and precursors under their jurisdiction are used in accordance with the CWC [16]. Especially these provisions are significant for the chemical terrorism prevention as an effective control and verification mechanism of a State Party has the potential to prevent and eliminate the efforts of non-state actors to acquire and use toxic chemicals and precursors for the purpose of terrorism.

Among the CWC provisions that can be applied to the chemical terrorism prevention, the CWC contains also provisions regarding its countering. According to the Article VII. of the CWC State Parties are obliged to prohibit and not to permit anyone under their jurisdiction to perform activities that are in violence of the CWC. At the same the State Parties are obliged to adopt sanctions to punish such activities [17]. State Parties decide about the implementation of the CWC on national level. The main benefit of these CWC provisions is the fact that State Parties are obliged to create a legal monitoring mechanism to control toxic chemicals and their production facilities. Within this mechanism State Parties are required to provide for the physical protection of chemical facilities that de facto serves as a prevention of any terrorist groups efforts to acquire and use toxic chemicals to achieve their goals. On the other hand, the fight against the chemical terrorism is strengthened through the commitment of State Parties to adopt repressive measures against acts and activities that violate the CWC and at the same time to cooperate with other State Parties to the CWC in investigation and prosecution of criminal acts violating the CWC. However, one of the shortcomings of these provisions is the fact that State Parties decide about the implementation of them. As a result the criminal law adopted by State Parties is not unified and has different effectiveness. Another significant problem is that some State Parties have not adopted effective law for the implementation of their commitments arising from the CWC yet [18].

Therefore to strengthen the international regime of the CWC in the chemical terrorism prevention it is inevitable to expand the jurisdiction of the treaty [19]. The main challenges in this

area are primarily states beyond the regime that are at the same time developing a civilian or a military chemical programme. In this situation the CWC is not able to serve as a relevant measure in the prevention of the chemical terrorism as the development of a chemical programme may provide potential sources of weapons for terrorist groups.

The Biological and Toxin Weapons Convention

As in the case of nuclear and chemical terrorism, there is no international treaty that deals directly with the bioterrorism. Its prevention is indirectly dealt within the Convention on the Prohibition on the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC) that was adopted in 1972 (entry into force in 1975). The BTWC as the international multilateral disarmament treaty is the core of the biological non-proliferation and disarmament regime. It was the first international treaty that prohibited one category of WMD and included provisions relevant for the non-proliferation of biological weapons.

Significant provisions of the BTWC for the bioterrorism prevention are those that prohibit biological weapons. According to the Article II. of the BTWC, State Parties are obliged to destroy or divert to peaceful purposes all biological agents, toxins, weapons, equipment and means of delivery [20] under their jurisdiction. Their destruction or diversion to peaceful purposes has to be completed as soon as possible, ninety days after the BTWC entry into force at the latest [21]. Another relevant article for the bioterrorism prevention is the Article III. of the BTWC according to which State Parties have the obligation not to transfer directly or indirectly to anyone biological agents, toxins, weapons, equipment and means of delivery that are banned by the BTWC. At the same time they have the obligation not to assist, encourage or induce any state, group of states or international organizations to produce or acquire them. As according to the CWC, State Parties commit themselves through the BTWC ratification to adopt all necessary measures to prohibit and prevent the development, production, stockpiling, acquiring or retention of biological agents, toxins, weapons, equipment and means of delivery banned by the BTWC, within their territory and under their jurisdiction [22]. This provision indirectly deals with countering the bioterrorism. On the other hand as a shortcoming of the BTWC can be considered the fact that the treaty does not oblige State Parties to adopt sanctions measures to punish illegal activities with biological agents and toxins that violate the BTWC.

The most serious shortcoming of the BTWC is the fact that it did not anchor any control or verification mechanism [23] that would monitor the observance of State Parties commitments and would be able to verify the destruction of biological weapons stockpiles, the compliance of State Parties activities regarding biological agents and toxins with the BTWC, the fulfilment of State Parties obligations regarding the prevention and punishment of illegal activities with biological agents and toxins on their territory and under their jurisdiction that violate the BTWC [24]. On the other hand, the BTWC did not anchor the establishment of an institutional structure that would implement the BTWC provisions or sanctions mechanism and would investigate any complaints about BTWC violations. In compliance with the BTWC State Parties have the right to submit a complaint to the UN Security Council to investigate an alleged BTWC violation by any State Party. In the area of obligations fulfilment, the BTWC anchored the commitment of State Parties to cooperate mutually in solving of any issues regarding the BTWC. The evaluation of the fulfilment of obligations takes place in the Review Conference that is held every five years [25].

Despite the fact that biological weapons present a serious security challenge as the risk of their potential misuse by terrorist groups is very high, there is no complex international treaty that would deal explicitly with preventing and countering the bioterrorism. On the other hand, the BTWC is still a significant instrument in the elimination and regulation of biological weapons. In order to strengthen its political value it is inevitable to expand its jurisdiction on other states and firstly on those states that are suspected of the military biological programme development.

Major International Institutions

The International Atomic Energy Agency

One of the most significant actors in preventing and countering the nuclear terrorism is the International Atomic Energy Agency (IAEA). The IAEA as an organization within the UN was established in 1957 with the primary aim to serve as a global scientific forum for scientific and technical cooperation and promotion of the use of nuclear energy for peaceful purposes.

The IAEA deals with the nuclear terrorism indirectly through the control and monitoring of Member States compliance with the obligations arising from the NPT. As it was already mentioned, the IAEA presents a verification mechanism to the NPT and deals with the accuracy, correctness and completeness of declared nuclear materials and activities in nuclear facilities by Member States. The verification mechanism is implemented through the safeguards system based on Safeguards Agreement and Additional Protocol between the IAEA and a Member State. Within the safeguards system on-site inspections, monitoring and evaluation in the Member States's territory with declared nuclear material are performed. The aim of these activities is the verification of characteristics of declared type and amount of nuclear material and its technical protection [26]. Since 1997 the IAEA verification mechanism has been strengthened through the Additional Protocol. On the ground of the Additional Protocol the IAEA has the right not only to verify the compliance of the nuclear programme with the NPT but also to monitor all nuclear activities within the territory of the Member State complexly. This means that the IAEA has the access to extent information and to nuclear facilities with the aim to verify declared and potential any undeclared nuclear activities of the Member State [27].

Besides verification activities, the IAEA serves also as an expert organization. It deals with the prevention of the nuclear terrorism through the Department of Nuclear Safety and Security. Current IAEA activities within nuclear safety and security are realized through the Nuclear Security Plan for 2010-2013, that is based on international agreements and its aim is to assist Member States in the strengthening of national nuclear safety and security in order to prevent the nuclear terrorism threat [28]. The implementation of the Plan is realized in three areas.

The first implementation area is the prevention that includes measures for the physical protection of nuclear and radioactive materials against the theft, illegal ownership, smuggling, unauthorized use, as well as measures for the physical protection of nuclear and radioactive facilities and their transport against sabotage or any other malicious act [29]. The physical protection of nuclear and radioactive materials and facilities is a commitment of Member States arising from international treaties [30] regarding the non-proliferation of nuclear weapons. In order to support the implementation of this commitment the International Physical Protection Advisory Service was established in 1995. Its primary aim is to upon the Member State request to send an expert group to assist in the evaluation of the quality of systems for the physical protection of nuclear and radioactive materials and facilities and their compliance with international standards. The expert group may recommend to the Member State any appropriate measures to enhance the effectiveness of the system [31]. Another instrument in this area is the International Nuclear Security Advisory Service whose task is to identify any needs of the national nuclear security and to recommend further areas for the cooperation [32]. In the issue of the nuclear terrorism prevention, the IAEA assists Member States also in localizing and securing of orphan radioactive sources [33] and in preventing of occurring new orphan sources as they are extremely risky as potential instruments for the nuclear terrorism. In this perspective a significant instrument is the Trilateral initiative of the IAEA, the USA and the Russian federation. Its main aim is to promote securing of radioactive material sources lost after the dissolution of the USSR.

The second implementation area of the Plan is the ability to detect and react on malicious acts regarding nuclear and radioactive materials. The development of this area within the IAEA activities is inevitable in case of the prevention failure. The aim of this area is to enhance national capacities and capabilities of the Member States in detecting and preventing the efforts of non-state actors to acquire nuclear and radioactive materials to achieve their goals. The IAEA activities in this area are aimed at the evaluation of capacities and abilities of Member States to counter illegal smuggling, thefts or other illegal acquiring of nuclear and radioactive materials. The process of evaluation is performed within an expert group of the IAEA – the Nuclear Security International Advisory Service that recommends Member States measures to strengthen national systems detecting unauthorized transfers of nuclear and radioactive materials [34]. In addition, the IAEA activities within the verification of NPT obligations compliance contribute to nuclear security. Significant are the IAEA inspections that contribute to the detection of thefts or illegal manipulation with nuclear and radioactive materials. The IAEA also provides recommendations to national authorities in the area of strengthening and improving of nuclear and radioactive materials control.

The last area of the Plan implementation regarding the nuclear terrorism prevention is the coordination of the information about the nuclear security and its analysis. It covers close cooperation a coordination of activities and programmes in the area of the nuclear security with the IAEA departments on the one hand. On the other hand, it covers cooperation of the IAEA with relevant international institutions in this area such as the International Criminal Police Organization (INTERPOL), the European Police Office (EUROPOL), Organization for the Security and Cooperation in Europe (OSCE), the UN Office on Drugs and Crime (UNODC) etc. Since 1995 the IAEA manages an information system regarding incidents of illicit smuggling and unauthorized activities with nuclear and radioactive materials – Illicit Trafficking Database. Its main aim is to support and facilitate the exchange of information among Member States about unauthorized activities with nuclear and radioactive materials and to assist in identification of potential security threats.

Despite mentioned IAEA activities in the prevention of the nuclear terrorism, the organization still has limited mandate in this area. In order to strengthen the effectiveness of the IAEA it is inevitable to extend the jurisdiction of the NPT and at the same time to expand the international control of national nuclear capacities. Another shortcoming is the advisory role of the IAEA towards Member States in implementation of international commitments regarding the nuclear terrorism prevention. The IAEA has only the right to recommend Member States to adopt appropriate measures or adequate legislative instruments in case of revealed shortcomings. However, the recommendations are not legally binding for Member States and their observance is connected only to the political will and capabilities of a Member State.

The Organization for the Prohibition of Chemical Weapons

The Organization for the Prohibition of Chemical Weapons (OPCW) presents the control and verification mechanism for the CWC. This specialized international organization was established in 1997 with the aim to perform activities in the area of chemical disarmament, non-proliferation of chemical weapons, protection against toxic chemicals and international cooperation.

Within its broad agenda, the OPCW is active in the prevention and fight against the chemical terrorism. One of the OPCW indirect functions in the prevention of chemical terrorism is to monitor the situation in the proliferation of chemical weapons. This includes activities connecting to gathering declarations of State Parties to the CWC about the possession of chemical weapons and facilities for their production [35]. In addition to this activity, the OPCW controls the destruction of chemical weapons and dismantling of their production facilities as well as controls old and abandoned chemical weapons. The OPCW simultaneously monitors and controls the physical protection and safety of declared chemical weapons of State Parties to the CWC that are examined regularly [36]. These activities are significant for the prevention of the chemical terrorism as the reduction of chemical weapons and their safety means the elimination of potential sources for the chemical terrorism. However a serious challenge in this issue is the fact that the real destruction of declared chemical lags behind fixed schedule deadlines.

Another important function of the OPCW able to contribute to the chemical terrorism prevention is the verification of observance of Member States commitments. It covers monitoring of civilian chemical facilities. Most of toxic chemicals and their precursors that could be potentially used for the purpose of terrorism are used in civilian sector. Therefore the CWC verification mechanism deals with monitoring and verification of their use [37]. State Parties to the CWC producing toxic chemicals, their precursors and other chemicals [38] are obliged to declare them to the OPCW [39]. On the ground of the declaration the monitoring within the verification mechanism is authorized. The OPCW has the right to perform inspections in Member States to verify the compliance with the CWC. Member States have the right to initiate inspections against other Member State in case of any doubts about its compliance with the CWC. Such inspections cannot be refused by the Member State [40]. In addition to that, the OPCW monitors the commerce with specific dual-use chemicals that could be potentially misused for the production of chemical weapons.

Another function of the OPCW relevant to the chemical terrorism prevention covers monitoring, gathering of information and assistance in building of national mechanisms for the protection of chemical facilities, assistance in the implementation of commitments of State Parties to the CWC regarding criminalization of activities that violate the CWC, informing about the export

and import of chemicals and building of national programs for the protection against chemical weapons [41]. In addition to that the OPCW contributes to the prevention of chemical terrorism through consultations and assistance to Member States, exchange of scientific and technical information, promotion of cooperation with relevant international institutions etc.

Conclusion

Currently there is a general agreement on international level that the WMD terrorism presents a compelling global security threat. This is proved by several international agreements, institutions, initiatives, programmes and projects that are aimed at its preventing as well as at its countering. They create an international regime that has the potential to eliminate efforts of terrorist groups and organizations to acquire and use WMD to achieve their goals. The article focused on the significant legal and institutional instruments of global nuclear, chemical and biological non-proliferation and disarmament regimes that contribute to the complex fight against the WMD terrorism.

When assessing the effectiveness, the regime of the CWC can be considered as the most effective. On the one hand, the treaty eliminates chemical weapons through the prohibition to possess and use them. On the other hand, the treaty created the verification and implementation mechanism – the OPCW that performs complex activities for the promotion of the prevention of chemical terrorism. It is namely the monitoring of the situation in the chemical weapons proliferation, monitoring of their protection and destruction, monitoring of civilian chemical facilities and commerce of dual-use chemicals that are highly risky in the context of the chemical terrorism. Moreover the OPCW provides the expert assistance for Member States in the implementation of their commitments on national level arising from the CWC. However a serious shortcoming of the CWC regime is the fact that the treaty does not anchor any sanctions mechanism against a State Party violating the CWC. Another shortcoming presents the absence of any legal norm or provision dealing directly with preventing and countering the proliferation of chemical weapons for the purpose of terrorism.

The weaker instrument for preventing and countering the WMD terrorism is the international regime of the NPT. Its main contribution is the prohibition of horizontal proliferation of nuclear weapons that indirectly prevents the nuclear terrorism as well. In addition to that the IAEA as the verification institution of the NPT performs expert functions in the prevention of nuclear terrorism. The IAEA monitors and controls the physical protection of nuclear and radioactive materials and facilities, assesses the national capacities of Member States for detecting unauthorized activities with nuclear and radioactive materials etc. However the main shortcoming of the regime is the fact that the NPT does not prohibit the possession of nuclear weapons in the case of NWS that could potentially become source for the nuclear terrorism. Another shortcoming is the fact that the IAEA is not charged also with the implementation of the NPT and does not have sanctions mechanism to enforce Member States' compliance with the NPT.

The least effective instrument is the BTWC and its international regime. Its main contribution is the fact that the treaty prohibits the possession and use of biological weapons. However it does not anchor any verification mechanism of the treaty as an institution that could verify State Parties' compliance with the BTWC or enforce the implementation of the treaty by State Parties. In addition to that, the BTWC does not deal with the prevention and the fight against the bioterrorism directly.

All international regimes constituted by the NPT, the CWC and the BTWC face the same shortcoming, namely the fact that the treaties were not ratified by key proliferators of WMD. Their nuclear, chemical and biological arsenals are therefore excluded from the international control and monitoring. This means that it is unable to verify their use only for civilian purposes on the one hand. On the other hand it is impossible to verify their safety and protection against any potential efforts of non-state actors to acquire and use them [42]. For these main reasons the international non-proliferation and disarmament regimes are insufficient in the complex fight against the WMD terrorism.

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12. According to the NPT there are 5 recognized Nuclear-Weapon States: the USA, the Russian Federation, the Great Britain, France and China.

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14. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. UN General Assembly 1993. URL: http://www.opcw.org/index.php?eID=dam_frontend_push&docID=6357

15. The CWC contains a list of specific toxic chemicals and their precursors in its Annex that are subject to the CWC verification mechanism.

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19. Currently, the CWC has 188 State Parties. States that have not ratified the treaty yet are Israel and Myanmar. States that have not adopted the treaty are Angola, Egypt, DPRK, Somalia, South Sudan and Syria.

20. According to the BTWC these are microbiological and other biological agents that have not prophylactic, protective or other peaceful purpose and weapons, equipments and means of delivery designed to use for hostile purposes or in armed conflicts. (Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. UN General Assembly 1972. URL: <http://www.opbw.org/convention/documents/btwctext.pdf>)

21. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. UN General Assembly 1972. URL: <<http://www.opbw.org/convention/documents/btwctext.pdf>>

22. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. UN General Assembly 1972. URL: <<http://www.opbw.org/convention/documents/btwctext.pdf>>

23. The problem with the absence of the verification mechanism to the BTWC had to be eliminated by a legally binding Verification protocol to the BTWC. In 1991 an expert group was charged by the BTWC Review Conference with the preparation of the protocol. According to the Protocol proposal an Organization for the prohibition of biological weapons should have been established. Its functions and activities should have been similar to functions and activities of the Organization for the Prohibition of Chemical Weapons. However the final text of the Protocol was not approved at the BTWC Review Conference in 2001. A decision was adopted during the conference that the State Parties to the BTWC would hold a conference yearly in order to discuss challenges in biological weapons proliferation on political and expert level. (Tuma M. Nešíření zbraní hromadného ničení v kontextu aktuálních otázek mezinárodní bezpečnosti a boje proti terorismu / M. Tuma. Brno: Ústav strategických studií UNOB, 2004. P. 234).

24. The absence of the BTWC verification mechanism resulted in the fact that after the BTWC ratification several States Parties continued in the violation of the treaty provisions and they continued to develop military biological programmes. These State Parties were the USSR, Iraq, Libya and South Africa. (Guillemin J. Biological Weapons / J. Guillemin. New York: Columbia University Press, 2005. P. 242).

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29. Prevention of Malicious Acts. IAEA 2012. URL: <<http://www-ns.iaea.org/security/prevention.asp?s=4&l=26>>

30. These are: Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, Convention on Nuclear Safety and Convention on the Physical Protection of Nuclear Material.

31. Tuma M. Nešíření zbraní hromadného ničení v kontextu aktuálních otázek mezinárodní bezpečnosti a boje proti terorismu / M. Tuma. Brno: Ústav strategických studií UNOB, 2004. P. 234.

32. Prevention of Malicious Acts. IAEA 2012. URL: <<http://www-ns.iaea.org/security/prevention.asp?s=4&l=26>>

33. An orphan nuclear source is a source containing a significant amount of radioactive material that is not under an adequate physical protection and control as a consequence of a loss, theft, unauthorized displacement or transfer.

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38. The OPCW has elaborated a database of 1500 chemical compounds that could be potentially misused for the production of chemical weapons. (Ormerod D. Chemical Terrorism: Threats and Countermeasures / D.L. Ormerod, T.K. Ghosh, D.S. Viswanath // Science and Technology of Terrorism. Eds. T.K. Ghosh, M.A. Prelas, D.S. Viswanath, S.K. Loyalka. New York: CRC Press, 2010. P. 457–468.)

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Международное сотрудничество в борьбе с терроризмом ОМУ

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Аннотация. Применение оружия массового уничтожения (ОМУ) с целью терроризма принадлежит в настоящее время к наиболее важным угрозам безопасности. Она имеет свои корни еще в 1970-х гг. Взаимосвязь самых разрушительных видов оружия и террористических групп, способных причинить большого количества жертв и значительного материального ущерба, требовали международных усилий и создание комплексной агенды для борьбы с угрозой безопасности. Основной целью статьи является анализ основных правовых и институциональных инструментов нераспространения ОМУ и разоружения, и критическая оценка их вклада в предотвращение и противодействие угроз безопасности применение ОМУ с целью терроризма.

Ключевые слова: Оружие массового уничтожения; терроризм; угроза безопасности.