

## ON THE ISSUE OF NUCLEAR TERRORISM

By Achin Vanaik\*

Four years ago in 2010, at the last nuclear summit of 47 countries in New York, President Barack Obama waxed eloquent on the extreme danger of fissile materials falling into the hands of groups like Al Qaeda which would then make and use a nuclear bomb. The then Prime Minister of India, Mr. Manmohan Singh among others who had attended dutifully applauded this view of the dangers of non-state nuclear terrorism seeking only to put his own spin on the matter by indirectly pointing the finger at Pakistan as a collaborating culprit in this respect.

Given that the very nature of nuclear weapons discourse by nuclear weapons states (NWSs) is unavoidably hypocritical and dishonest, is it not time for a closer look at the apparently self-evident, and certainly self-serving (to NWSs) claim that one of the great dangers today and tomorrow -- if not *the* great danger -- is that of nuclear weapons being built or falling into the hands of 'terrorist groups'? One of the purposes and effects of this self-serving talk of nuclear terrorism, and hence its popularity and frequency, is that it legitimizes and excuses the NWSs themselves. It does this in a number of ways. First, it dramatizes the wholly artificial 'divide' between so-called responsible nuclear powers and supposedly irresponsible nuclear agents, actual or potential. These irresponsible agents are of course selectively identified - among NWSs it is said to be Pakistan and North Korea; among possible aspirant states it is Iran and Iraq; among non-state aspirants it is supposed to be a range of Islamist groups.

Second, it covers up the indisputable historical reality that the global nuclear mess we are in is *wholly the responsibility* - in varying degrees - of the NWSs themselves. No notion of nuclear deterrence can justify the existing levels of deployment or stockpiles of nuclear weapons. Despite the end of the Cold War, during which the idea of a Ballistic Missile Defense (BMD) system was actually abandoned, we now have an Obama administration which, in continuity with previous post-Cold War US administrations, is acting in ways that more than negate whatever mild forward steps are being taken on the nuclear front. US upgrading of existing weapons is endorsed as are the operations (with continued financial support) of the weapons laboratories. The determined long-term development of the BMD system is clearly aimed at Russia and China but is justified in the name of Iran and North Korea. There is no dismantling of warheads as distinct from their de-mating and stockpiling in the New START agreement of May 2010 which entered into

force in February 2011 and is expected to last till 2021. According to the US's latest Nuclear Posture Review of 2010 (the third quadrennial review after those of 1994 and 2002), the nuclear pre-emptive option is restricted but not rejected, and its negative security assurances to non-nuclear states are neither universal nor unconditional. This assurance will apply only to those countries in compliance with the NPT -- where such 'compliance' is to be determined by the US alone. The Proliferation Security Initiative (PSI) - a fraudulent initiative to allow the US to interdict ships carrying 'suspect' materials related to possible WMD production and procurement -- far from being discarded, will be pursued in the name of fighting rogue states and terrorists. The PSI launched in 2003 has the endorsement of over a 100 states. India and China are among those still dissenting.

Third, it diverts attention away from the fact that it is NWSs, above all the US (which is currently orchestrating the fight against 'nuclear terrorism'), that have the worst record of repeated attempts at nuclear blackmail. The US is the only country to have used nuclear weapons and to this day has majority domestic support for these two acts of nuclear terrorism in 1945. Since then it is not only the US and Russia that have come close to actually launching such weapons. Israel in 1973 certainly discussed in its war cabinet a demonstrative or targeted use of such weapons vis-à-vis *non-nuclear* adversaries.<sup>1</sup> The purpose of recalling this history is to point out that state actors have not only come close since the advent of the nuclear age to using nuclear weapons even against non-nuclear countries but that they can also be much more confident than non-state actors of getting substantial, even majority support from their citizens for such behaviour.

Fourth, this division between 'responsible' and 'irresponsible' and 'irrational' nuclear agents, when it comes to the issue of preventing proliferation is again quite fraudulent. All NWSs have either proliferated know how and/or actively collaborated with other states in their efforts to develop nuclear weapons. This applies to early Sino-Soviet and US-UK collaborations. The UK continues to depend on US missiles and designing for fitting warheads to these imported missiles for its own 'independent' nuclear arm. France helped Israel which helped apartheid South Africa.<sup>2</sup> There has been the China-

1 "Israel's Nuclear Weapons Programs"; [nuclearweaponarchive.org/Israel/Isrhist.html](http://nuclearweaponarchive.org/Israel/Isrhist.html)

Seymour A. Hersh, *The Samson Option: Israel's Nuclear Arsenal and American Foreign Policy*, Random House, New York, 1991. See also Jeffrey Lewis, "Israel, Nuclear Weapons and the 1973 Yom Kippur War", <http://lewis.armscontrolwonk.com/archive/6909/israel-nuclear-weapons-and-the-1973-yom-kippur-war>

2 In April 1976 South African Prime Minister John Vorster and Israeli Prime Minister Yitzhak Rabin signed a secret nuclear trade agreement with Israel supplying 30 grams of yield boosting tritium for 50 tonnes of uranium. See Anne Mart van Wyk, "Deals, Denials and Declassification: Israel-South African Nuclear Collaboration"; [www.lse.ac.uk/IDEAS/publications/ideasToday/05/vanWyk.pdf](http://www.lse.ac.uk/IDEAS/publications/ideasToday/05/vanWyk.pdf)

Pakistan relationship. The US deliberately turned a blind eye to Israeli and Pakistani preparations. The Indian government has not proliferated to other countries but has simply cheated and betrayed its international commitments regarding dual-use technologies and materials – the 1974 Pokharan I test. Having so cheated it finally succeeded in getting away with this, indeed was rewarded politically and materially via the NSG exception given to it as part of the Indo-US nuclear deal process. New Delhi, which once railed against the nuclear dishonesties of the NWSs and their “club of nuclear apartheid”, now that it has joined that same club is perfectly willing to play the same game of self-righteous and dishonest hypocrisy. What was important was not the existence of ‘nuclear apartheid’, i.e., discrimination between nuclear haves and have-nots but only the fact that India was not a beneficiary of that discrimination until it was able to join the club and, of course, thereafter to be able to pose as a ‘responsible’ nuclear power.

This new ‘responsible’ nuclear power of India will keep quiet about the record of its similarly ‘responsible’ nuclear allies such as the US and Israel even as it has declared itself in 2006 as disturbed by any Iranian efforts to acquire the bomb since this Iranian effort would violate its NPT commitments (a treaty which India used to bitterly oppose) and other international commitments. This from an India which in 1974 did not hesitate to renege on its international commitments. Of course, a finger must be pointed at Pakistan’s irresponsibility. How is the record of A.Q. Khan’s proliferation activities to be understood? Does it break the pattern of states being responsible for proliferating behaviour mentioned earlier? It does not. States keen to develop the bomb can get support from other states and purchase materials from private markets as Iraq before 1991 was doing. The great difference between Pakistan and other NWSs (including Israel) is that it is the only one among this group whose civilian government has not been in full control of nuclear arrangements. In Pakistan, the military and not the civilian government, has been the key controller and supervisor over nuclear activities. It is this that gave A.Q.Khan’s set up the autonomy it had and allowed it to act as a proliferator of know-how and materials independent of the civilian apparatuses of the state but only with the permission and acceptance of key sections of the military and intelligence apparatuses. To pass off A.Q. Khan’s set up and behaviour as an exemplar of independent non-state activity is mistaken. Does this not indict the Pakistan state as an ‘irresponsible’ proliferator? Yes certainly, but no more so than in the case of other states from Israel to France to UK to US to Russia to China which similarly deserve indictments.

Fifth, insofar as nuclear weapons are ‘weapons of terror’ (which they are) nuclear deterrence is itself a terrorist doctrine sanctioning the possession,

brandishment and preparations for use of nuclear weapons. The principal discourse that legitimizes the existence and therefore threatens the use of nuclear weapons is not any 'fundamentalist' interpretation of religious texts or 'irrational' eschatological visions but the very 'rationality' of nuclear deterrence thinking and the 'limited' nuclear war fighting doctrines that can logically enough flow from deterrence premises and arguments. Nuclear deterrence is not the simple registration of the idea that nuclear weapons can deter. It goes far beyond this because it is a theorization and rationalization that this property is so powerful and enduring that states can and should rely on it for achieving their security, where this notion of security is understood in the conventional and highly restricted sense of meaning military protection of territory. It is not nuclear weapons that *create* an 'existential situation of deterrence'. It is the doctrine of deterrence that is *created* to justify the 'existential situation of the production, possession and presence of nuclear weapons'.

Sixth, the dramatization of the danger of nuclear terrorism by non-state actors derives whatever plausibility it has from two crucial assumptions which need to be seriously questioned rather than unthinkingly accepted. a) That there is a distinct category of persons/groups called terrorists to be distinguished from other collective agents e.g. 'responsible' or democratic states supposedly incapable of acting terroristically, although they might be at times guilty of 'human rights abuses.' b) That those who lead non-state groups or at least some of them, are far more dangerous than those who lead many a NWS because they are more 'irrational' or 'fanatical' in their motivations and behaviour and therefore much more likely to use a nuclear bomb.

The first assumption is irredeemably flawed. Terrorism cannot be understood as a reference to any category of persons but is a reference to a technique, a tactic, a method involving intimidation and violence. When one seeks to identify what constitutes a terrorist act it is widely accepted that this is a premeditated or calculated act that threatens, or actually carries out, physical injury/deaths to innocent unarmed civilians. This is not an all-inclusive definition of terrorism that covers all its historically variable forms. But it is more than adequate for our purposes here. Understood as such the terrorist act is undertaken by all kinds of agencies including the apparatuses of the state. It is the deliberate, the premeditated and calculated character of the act that makes it terroristic as distinct from a spontaneous or accidental action affecting civilians. Whether the act is undertaken with the *intent* to injure/kill civilians or whether the act is undertaken *knowing* that it will injure/kill civilians, the difference between these two states of mind is not significant either philosophically or morally for understanding the

phenomenon of terrorism.<sup>3</sup> Most states always claim that they never intend to hurt civilians even as they undertake actions that they know are going to do so. In both cases, the act remains a deliberated and calculated one carried out in full awareness of its negative, indeed immoral consequences. And the scale of civilian deaths caused by states on their own citizens or on the citizens of other countries overwhelmingly dwarfs those caused by the actions of non-state actors. This comparative judgement holds over any historical time period chosen.

Since terrorism refers to a tactic, a method, how on earth is it possible to wage a war on a technique? Yet dominant discourses continue to extend credibility to this absurdity and thus to endorse the US's fraudulent 'global war on terror' in which India is supposed to a responsible partner. The warning and war against 'nuclear terrorists' abetted by certain nuclear possessing or aspiring states then becomes a 'natural' corollary of this overall war on terror.

In regard to the second assumption, those that lead non-state groups pursuing some political cause for which they are prepared to use violent means, *are no more and no less rational* than state managers taking decisions in pursuit of so-called national interests.<sup>4</sup> Once it is accepted that nuclear weapons are acquired for some *consciously perceived purpose* then it can claim to be a rational act however much one may reject or oppose or be horrified by that purpose. This is as true of Political Islam as of other groups inspired by their particular interpretations of religious and secular doctrines and visions. And in all forms of Political Islam it is the specifically political goals and objectives that are their driving force, however their social, cultural and economic programmes might be shaped by variant understandings of Islam. The temptation to see 'fanatical' Jihadis as

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3 Philosophically, one can make a case for upholding this distinction to be a significant one in very rare cases such as that of euthanasia where a doctor in keeping with the wishes of a dying patient and his or her family that is being artificially kept alive and decides not to refrain from treatment 'knowing' this will result in the patient's death. But for the purposes cited above, the distinction is not significant morally. See Thomas Nagel, "In Whose Interest?: Euthanasia" in the *London Review of Books*, Oct. 6, 2011 issue.

4 State leaders are far from immune to what Freedman has called "a whole range of psychological and sociological factors – such as mental quirks, lack of awareness, domestic political pressures, value-conflicts or sheer errors of judgment". The point is that such motivated behaviour weakens the assumption of the 'unitary and rational actor' model that is basic to both Realist variants of thinking about IR and of course to nuclear deterrence thinking and behaviour by state actors. If these spurs to decision-making and behaviour in part or whole are termed as forms of 'irrationality' then why the arbitrary and misleading contrast between supposedly rational state actors and supposedly more irrational non-state actors. Or if 'rationality' can be said to encompass all these forms as factors shaping decisions, howsoever mistaken these decisions or acts might be, then an act can be seen as 'rational' if it is purposefully motivated, howsoever negative or bad that purpose might be. See Lawrence Freedman, *The Evolution of Nuclear Strategy*, Palgrave, Macmillan 3<sup>rd</sup> edition, New York, 2003; p. 173.

somehow *more* dangerously 'irrational' and 'extreme' in their *political* behaviour than say, slave-owning dynasts or colonizers embarked upon a civilizing mission or US imperialists out to finish off communist evil or fervent Hindutva-ites ruling India, is best avoided.

The political conflict between non-state and state actors, insofar as it has an armed and violent dimension is universally described as a form of asymmetrical warfare. What is rarely if ever given the recognition it deserves is that in terms of the scale of suffering imposed (injuries and deaths of innocents and civilians) the terrorism of the strong (of states) – as all historical evidence indisputably and overwhelmingly confirms – far outstrips the terrorism of the weak (of non-state agents). The only way to remain blind to this historical and contemporary judgement is to use the magic wand of re-description. The terrorism of states (some of them) is said to be not really terrorism at all but something else, the usual substitute labels chosen being “law and order excesses” and “unavoidable collateral damage.”

The basic reason for this contrast in suffering imposed has little to do with the asymmetry of means of violence possessed by the two sides, which is obvious. Rather, it has much more to do with the fact that this very asymmetry allows for, and imposes, very different political compulsions and rationalities on the two sides with respect to the relationship between military means and political ends. State managers see themselves as being the only legitimate wielders of violence within the territories over which the state has jurisdiction. States as entities that are supposed to have a monopoly of legitimated violence over a given territory cannot tolerate any other entity carrying out violent actions within the domain over which they are supposed to have juridical control. The more powerful the state, the more intolerable they are of any such actions. It is never the actual material damage done by such violent actions by non-state actors that most disturbs state managers, nor the extent to which the act erodes the capacity of the state to carry out its multifarious governmental functions or to retain its geographical boundaries. In this respect terrorist acts by non-state actors are essentially inconsequential.

The idea that 26/11 in India, the London and Madrid bombings, or 9/11 in the US represent a serious threat to the structures of democracy in these countries is frankly ludicrous. Claims that this is the case no doubt feature in the overblown rhetoric of state managers and in many supporting editorials of a largely supine media. But these are falsities whose purpose is to justify the 'reactive' policies and practices (often themselves anti-democratic) of the state to such events. For what is really at stake is the challenge events like 9/11 or 26/11 pose to the *authority* of the state. In the era of nation

states, that authority rests more than it ever did in the past on an inescapably symbolic dimension of what today constitutes political power. It is here, in this fact of symbolism and its importance that there is an asymmetry of political impact that works against the materially far more powerful side, the state. The terrorism of the weak, of non-state actors, is above all an act of symbolic-communicative politics aiming to weaken and undermine the authority of its opponent state, not its material-physical sources of power. In this respect the political impact for non-state actors to be got from a terrorist act is disproportionately high as compared to whatever material damage it might or might not do.

It is a politics on the cheap, the impact achieved being far more important than the means used. Nonetheless, there is always a cost-benefit rationality at work here too. The non-state terrorist act aims to do two things – invigorate the ‘home’ constituency that witnesses the public act; and simultaneously demoralize the enemy state and its support base. The scale, character and consequences of likely enemy response are also factored into this cost-benefit analysis. Precisely because Marxists of the late nineteenth and early twentieth century grossly underestimated the power and significance of the symbolic-communicative dimension in the era of mass politics, they dismissed and denigrated the possible efficacy of such acts. The classical Marxist approach incidentally, prone as it was to a class-based moral relativism, criticized terrorism on grounds of inefficacy – ‘reformism with a gun’, a ‘substitute for mass mobilization’ – not on grounds of its immorality.

For states, the relationship between military means to be used and political benefits sought is very different. States have to stamp their authority far more emphatically, unchallenged-ably and assertively than non-state agents that are not under any such compulsion given the very fact of being non-state entities. Asymmetric warfare means non-state agents do not and cannot aim to physically destroy states. They do not have the means nor do they need to strive to acquire such means. What they seek to do is to create the conditions whereby their state enemies lose not their capacity but their *will* to prevent the achievement of their objectives. (This is also the case in asymmetric warfare between states, e.g., the Vietnam War). By contrast, for states, the more powerful they perceive themselves to be, the greater the affront to their sense of authority is the terrorism of the weak, the more determined they are to physically exterminate their non-state opponents, encased though they may be within their own catchment areas of popular support. The resort to much higher levels of violence in pursuit of this more extreme objective of physical extermination, becomes a logical, indeed rational feature of the behaviour of such powerful states. States are also

much more able to get away with, that is, justify to a wider public --domestic and even foreign -- such levels of violence. These have included the shameful and inhuman use of depleted uranium artillery shells, white phosphorus, oxygen sucking 'daisy cutters', Agent Orange and other chemical defoliants, even the use of nuclear weapons. All this means, that there exist far fewer restraints on their exercise of violence or military power.

The situation in which non-state terrorism takes place is quite different in respect of its contextual limitations, barriers and boundaries. The terrorist violence of non-state actors must not reach the point whereby it creates the conditions for legitimising a reactive assault of extreme intensity against its own popular base and by doing so deeply alienate that base. There is an important line of demarcation that exists. On one side are those actions by states that are widely seen as an unjustified 'overkill' that only further alienate the home constituencies of insurgent groups against the enemy state and strengthen support for non-state actors themselves. But this line is crossed when non-state actors engage in forms of action which by their very nature greatly widen the 'legitimacy space' for state reactions of great intensity and scope. There is thus a built-in proportionality in terrorist acts by non-state agents between means of violence used and the political gains sought from that act. The use of nuclear weapons by such groups, leaving aside the underestimated practical difficulties in making or assembling such a bomb, would be disastrously counter-productive politically speaking. Even the use of a 'dirty bomb' - dispersal of radioactive materials via a conventional chemical explosive - is highly unlikely even if higher up on the ladder of possibilities than use of a nuclear bomb. The main target of such a dirty bomb, the US, would not hesitate to then resort to a nuclear attack against a designated territorial target, unjustified though this would be. And opponents of the US are not naive enough not to realise this.

As things stand, the US has not rejected the use of nuclear weapons against a non-nuclear adversary using chemical or biological weapons. One of the real dangers of these never ending alarms about nuclear terrorism is that it more strongly prepares the ground for a NWS - most likely the US - to carry out a 'limited' nuclear attack precisely to drive home publicly the message that no non-state group or network should have any doubts about US willingness to so behave and thus not even contemplate doing what the US itself has done - possessing, deploying and using nuclear weapons.

Forget trying to acquire a nuclear bomb, how many insurgent groups or non-state networks have tried to poison a city's water supply or spray debilitating gases or chemicals over a suburban district from a chartered small plane,



neither of which are particularly difficult to do.<sup>5</sup> (The nefarious and condemnable 1995 Sarin gas attack in a Tokyo subway by a religious cult, the Aum Shinrikyo, was modest in scope killing 13 commuters and seriously injuring 54 people.). Even before the break-up of the USSR there was a private illegal market in radioactive materials and dual-use equipment and components. Involvement in this trade is for varied purposes and the end users are more often than not state apparatuses seeking to obtain materials otherwise difficult or more expensive to get or make. To what extent agencies roaming independent of states are doing this and to what extent they are ultimately seeking 'private' possession and for what private purposes, remain obscure. Though there is little reason to jump to conclusions about the 'terrorist bomb', there is of course every reason to want to put in place controls to stop such clandestine activities. But this requires all states including of course all NWSs to come together and to be fully transparent and honest about their nuclear behaviour, and to stop being selective and hypocritical about the issue of non-proliferation. Ending such trade also cannot be divorced from the issue of regional and global disarmament and the refusal of the NWSs to seriously embark on such disarmament. If, on the one hand, India is able to enhance its nuclear arsenal and capacities because existing international rules and norms in respect of such trading is shamelessly eroded (the exception made for it by the NSG under US pressure), then should anyone be surprised that a Pakistan determined to match India's rising capacities might seek to do so through illegal trading?

The hyped-up discourse on the enormous threat and danger posed by nuclear terrorism specifically and by non-state terrorism more generally is a deceitful and diversionary discourse that seeks to shift focus away from what is the primary problem - that of state terrorism in both its nuclear and non-nuclear forms. There is of course an 'action-reaction' feedback relationship between the two kinds of terrorism. Recognition of this does not in any way detract from the necessity of condemning or trying to prevent non-state terrorism or of bringing its culprits to book. But this legitimate and necessary quest must not be allowed to ever divert us from the far more arduous and

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<sup>5</sup> One possible exception to this rule was the behaviour of Israeli Zionist gangs (perhaps more accurately characterized as 'Israeli state forces in waiting') on the eve of Israel's formal declaration of independence on May 15, 1948 poisoned the water supply of the Palestinian fortified city of Acre. Between May 6 and 19 the delegate of the International Committee of the Red Cross (ICRC), Mr. De Meuron detailed the spread of typhoid in Acre whereby some 55 British soldiers and a much larger number of Palestinians were infected. Both de Meuron and British Medical Officers declared that the epidemic was water-borne. The Israeli military historian Urin Milstein referred to this operation code named "Shlach Lachmecha". The city of Acre fell almost immediately. See Wendy Barnaby, *The Plague Makers: The Secret World of Biological Warfare*, Vision Paperbacks, London, 1997; pp.114-116. For a fuller account see Elias Akleh, "Israel's History of Chemical Weapons Use", *Global Research*, Sept. 29, 2013.

important task of exposing, condemning and trying to prevent state terrorism. This in turn requires establishing the mechanisms and procedures for adjudicating, sentencing and punishing the highest echelons among state managers. The International Criminal Court is a faltering and limited step in that direction. Much, much more needs to be done in terms of developments in national and international laws and in the building of related institutions. That is the kind of discourse that needs to be initiated and sustained globally. One is certain, the former Nobel Peace Prize winner, President Obama and the US will most definitely never take the lead in this regard.

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