

European Union Policy on CBRN security: A Primer

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Summary

The attempt has been to provide a brief primer by using the basic documents prepared and adopted by various EU institutions as well as the national governments to present the EU endeavour to address the Chemical, Biological Radiological and Nuclear (CBRN) threat. As the Counter-Terrorism strategy and the CBRN threat therein is still the exclusive realm of a member state, the EU, with all its complex nature of working and the evolution of its dynamic nature of institutions, however strives for a coordinated EU action in a crisis situation. Therefore the CBRN policy package of 110 million Euros with 132 measures is a concrete and timely step towards the protection of EU citizens.

The European Commission (EC) adopted on June 24 a policy package on chemical, biological, radiological and nuclear (CBRN) security. With the sole aim to strengthen the protection of European Union (EU) citizens, the package envisages to have the EU Action Plan to counter CBRN threats.¹ During the second half of 2009, i.e. under the Swedish presidency of the EU Council, the member countries of the Union would discuss the plan. Eventually the implementation would start in 2010 and be followed over the next three years. Quite understandably in its Work Programme during the incumbent EU presidency, Sweden has already highlighted that in order to 'prevent and manage major CBRN incidents', the Swedish effort would be to increase the EU capability and to strengthen cooperation.² The effort of EU to formulate its CBRN policy emerges out from the national experiences of its member states and their respective counter-terrorism strategies discussed below.

Countering CBRNE (chemical, biological, radiological, nuclear and explosives) terrorism lies at the heart of the British Counter-Terrorism strategy. Britain, which was holding the EU presidency in the second-half of 2005 and still was coming to terms with the ghastly terrorist attacks on the London underground of July 7, was one of the key architects to formulate the European Union Counter-Terrorism strategy of November 2005. The July 7 terrorist attacks in London, which still remain a watershed in the global history of modern-day terrorism, did undoubtedly influence to a great extent the British policy-makers to adopt protective measures as well as to give their national experience a pan-European scope. While the British Counter-Terrorism Strategy of 2003 – also known as CONTEST - is based on four pillars namely Pursue, Prevent, Protect and Prepare, the EU Counter-Terrorism Strategy also has the same pillar-based approach i.e. Prevent, Protect, Pursue and Respond.³ The EU certainly is not a nation-state and time and again the relevant EU documents have been highlighting that the responsibility of counter-terrorism is mainly of its member countries. However the foremost observation one could make here is that the national experiences and

threat perceptions of the member states have been seriously taken into account in Brussels and transformed into EU-wide policies.

The second pillar of the EU Counter-Terrorism Strategy, i.e. Protect, deals with the issue of CBRN and highlights the importance of cooperation with international organisations and partners and offering technical assistance to third countries. In addition to that it stresses the need to stop the proliferation of CBRN materials. Following the all-embracing pillar-based EU Counter-Terrorism Strategy, the action plan in the CBRN policy package has three wide areas of action: (i) prevention; (ii) detection; (iii) preparedness and response. At the national level, again referring the British experience, the UK in its Security, Counter-Terrorism Science and Innovation Strategy of 2007 has given greater emphasis to the threat from CBRN materials. Justifiably protecting the populace from any eventualities of CBRN attacks, the British Innovation Strategy prescribed that various government agencies and ministries ranging from the Cabinet Office to intelligence agencies and departments like transport, home, environment, health etc. would work in close cooperation while the British Ministry of Defence is supposed to be the assistance-provider to the civilian authorities. Even the CONTEST-II of March 2009 underscores the severity of CBRN threat to the UK in great detail. The CONTEST-II, which is an updated version of CONTEST of 2003 and is an attempt to summarise the British and global counter-terrorism experiences in the last six years and adopt appropriate measures, is an exhaustive and comprehensive document. Interestingly the CONTEST-II devotes an entire section to the issue of CBRN. Three main issues, which in the intervening time have increased the risk of CBRN materials used by the terrorists, are: (i) trafficking of material, which can be used for the purpose of making radiological weapons; (ii) information available on the Internet to build CBRN devices and (iii) the dual-use nature of CBRN materials which can be procured by terrorist organisations. The CONTEST-II has also not overlooked the risk of state-sponsored proliferation of CBRN material like in the case of A Q Khan.⁴

Following the four pillars of the CONTEST, the pursuit of CBRN material lies primarily

with the British security and intelligence agencies. Prevention of such attacks is not only the responsibility of the government but the communities and the scholars who can intellectually challenge the narrative of Al-Qaeda as well. A number of national and multilateral legal instruments aiming primarily to deny terrorists the access to CBRN materials are also covered under the pillar of prevention. Finally the prepare part of the strategy gives greater underscoring to research, development and training of police and civilian officers. In nutshell the particular attention on the CBRN threat in the British CONTEST-II is the outcome of the fact of the July 7 attacks, the foiled attacks in August 2006 against transatlantic airlines, including numerous others in Britain and the specific instance of death of the Russian dissident Alexander Litvinenko by polonium poisoning radiation in London. Last but not the least pressing concern is having Heathrow as one of the busiest transport hub in the world. Hence the British focus is more on the futuristic element of the CBRN threat and to deny the existing terrorist networks on its soil to acquire any material and devices. Another important member of the Union, France, during its presidency in the second-half of 2008 organised an experts' seminar on the CBRN threat participated by its members states. In this seminar the French government proposed to create a European database to reinforce cooperation amongst the member states and improve the information available to the field officers. Gilles de Kerchove, the European Counter-Terrorism Coordinator and other delegates approved the project. Apart from the major EU member states, it must be worth mentioning here that the NATO- the collective security provider of most of the EU members - has also raised its first Multinational CBRN Defence Battalion in 2003. Endorsed in the Prague Capability Commitment, the NATO CBRN Defence Battalion is equipped to undertake five specific tasks: (i) reconnaissance; (ii) identification; (iii) detection and monitoring; (iv) assessments and advice; (v) decontamination.⁵

It is needless to reiterate here that the EU certainly does not have all the tools at hand in comparison with the national governments

and their various organs and facilities, yet the awareness of the grave nature of the CBRN threat and simultaneously the earnestness to deal with the problem at the European level has been evident. The unique nature of the Union facilitates borderless travel not only for its citizens, goods and tourists. But most dangerously this freedom is also exploited by the terrorists to travel freely to the most part of the continent. The rationale of a common European approach is based on the present situation where the expeditious abolition of old national borders is also the cause of an escalating vulnerability, as the CBRN policy package puts it: 'The European Union is an area of increasing openness and an area in which the internal and external aspects of security are closely linked. It is an area of increasing interdependence, allowing the free movement of people, ideas, technology and resources. As a result it is also an area which terrorists may abuse to pursue their objectives and which has already been abused for this purpose.' In fact this justification in the CBRN policy package echoes the spirit of the first-ever European Security Strategy of December 2003.⁶ In its preamble the European Security Strategy was neither erroneous nor pompous in declaring that, 'Europe has never been so prosperous, so secure nor so free' but at the same time also categorised five key threats especially: Terrorism, Proliferation of WMD, Regional Conflicts, State Failure and Organised Crime. The 'serious possibility' of attacks with CBRN materials was mentioned in the category of Proliferation of WMD. However in order to be chronologically accurate it must be mentioned here that even before the adoption of the European Security Strategy, the EU Council in its Framework Decision of June 13, 2002 on combating terrorism declared that, 'manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons' will be considered as terrorist offences.

In the last five years since the adoption of the European Security Strategy the key threats for Europe has not at all decreased. On the contrary terrorism has preceded the other key threats. The terrorist attacks of March 11, 2004 in

Madrid, killing of the controversial Dutch film maker Theo van Gogh on November 2, 2004 on a street of Amsterdam, the London attacks and a few foiled and numerous unearthed terrorist plots throughout the continent have distinctively characterised the security situation of Europe today. The prime cause of the terrorist attacks, i.e. the quick, silent and violent radicalisation of a part of the younger diasporic Muslim communities in Europe, still remains a part of the larger debate. However, which makes the European security agencies jittery that the increasing threat of acquiring CBRN materials by terrorist groups remains an obvious risk. Keeping in view of the developments of the last five years, the Report on the Implementation of the European Security Strategy of December 2008 has highlighted the need to tighten the coordination amongst the member states in the case of a major terrorist CBRN attack. Though the Implementation Report is not a total revision of the European Security Strategy of 2003, but it is a review of the changing nature of global threats. Hence it has redrawn the key threats to provide 'security in a changing world'. Though independent observers of the Union may be of the opinion that terrorism has remained the key threat for the EU during the last five years, the Implementation Report has however emphasised that the Proliferation of WMD as 'potentially the greatest threat to EU security' which has increased in the said period. Compared with the original European Security Strategy of 2003 the Implementation Report has clubbed Terrorism and Organised Crime together and identified other new threats like cyber security, energy security and climate change.⁷

The entire depiction of European endeavour against the CBRN threat would however remain incomplete if the practical danger of CBRN attacks or even reported attempts should not be mentioned here. For last few years it is the annual exercise of the European Police Office (Europol) to collect all kind of terrorist-related data from all member states and publish it in the form of EU Terrorism Situation & Trend Report (TE-SAT) for wider dissemination. The TE-SAT Report of 2008 has documented two specific instances. The Danish High Court in December 2007 convicted three persons, who allegedly gathered information about the

manufacturing of bombs and explosives from Internet over and also procured fertiliser and chemicals, in order to make peroxide based primary bombs. In July 2007 Italian counter-terrorism agency arrested three persons who had been accused to impart terrorist training at a mosque in Perugia province of Italy. The Italian police also recovered barrels of chemicals and terrorist instruction material after a search. The terrorist cell unearthed was linked with the Moroccan Islamic Combat Group (GICM) linked with the March 11, 2004 attacks in Madrid.⁸ The TE-SAT Report of 2009 does not have any mention of any CBRN related incidents for the year of 2008, but it has to be highlighted that the UK, one of the EU majors, has not provided any date to the Europol.

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Endnotes:

1 Proposal for a new policy package on chemical, biological, radiological and

nuclear (CBRN) security, European Commission Memo/09/291, Brussels, June 24, 2009 at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/291&type=HTML>.

2 Work programme for the Swedish Presidency of the EU, July 1- December 31, 2009, Swedish Government, June 23, 2009, p.25 at http://www.se2009.eu/polopoly_fs/1.6248!menu/standard/file/Work%20Programme%20for%20the%20Swedish%20Presidency%201%20July%20-%2031%20Dec%202009.pdf.

3 The European Union Counter-Terrorism Strategy, Council of the European Union, Brussels, November 30, 2005 at <http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf>.

4 Pursue Prevent Protect Prepare: The United Kingdom's Strategy for Countering International Terrorism, March 2009 at http://security.homeoffice.gov.uk/news-publications/publication-search/general/HO_Contest_strategy.pdf?view=Binary.

5 Launch of NATO Multinational CBRN Defence Battalion, NATO Press Release, November 26, 2003.

6 A secure Europe in a better world: European Security Strategy, Brussels, December 12, 2003 at <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

7 Report on the Implementation of the European Security Strategy- Providing Security in a Changing World, S407/08, Brussels, December 11, 2008 at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf.

8 (i) EU Terrorism Situation & Trend Report (TE-SAT 2008), The Hague: Europol, p. 14 & 18 at http://www.europol.europa.eu/publications/EU_Terrorism_Situation_and_Trend_Report_TE-SAT/TESAT2008.pdf;

(ii) Italy's Underground Islamist Network, Terrorism Monitor, Washington: The Jamestown Foundation, Vol. 5, Issue 16, August 16, 2007 at http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=4378.

9 India – Mumbai terror attacks – coordinated EU action to evacuate injured European citizens, Europa Press Releases, Brussels, December 1, 2008 at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1873&type=HTML>