CBRN Weapons

Dual-use technology transfers and their control

Dr Jean Pascal Zanders
The Trench

Export Control and CBRN Challenges
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Part 1

OUR CHALLENGE: DUAL-USE TECHNOLOGY TRANSFERS

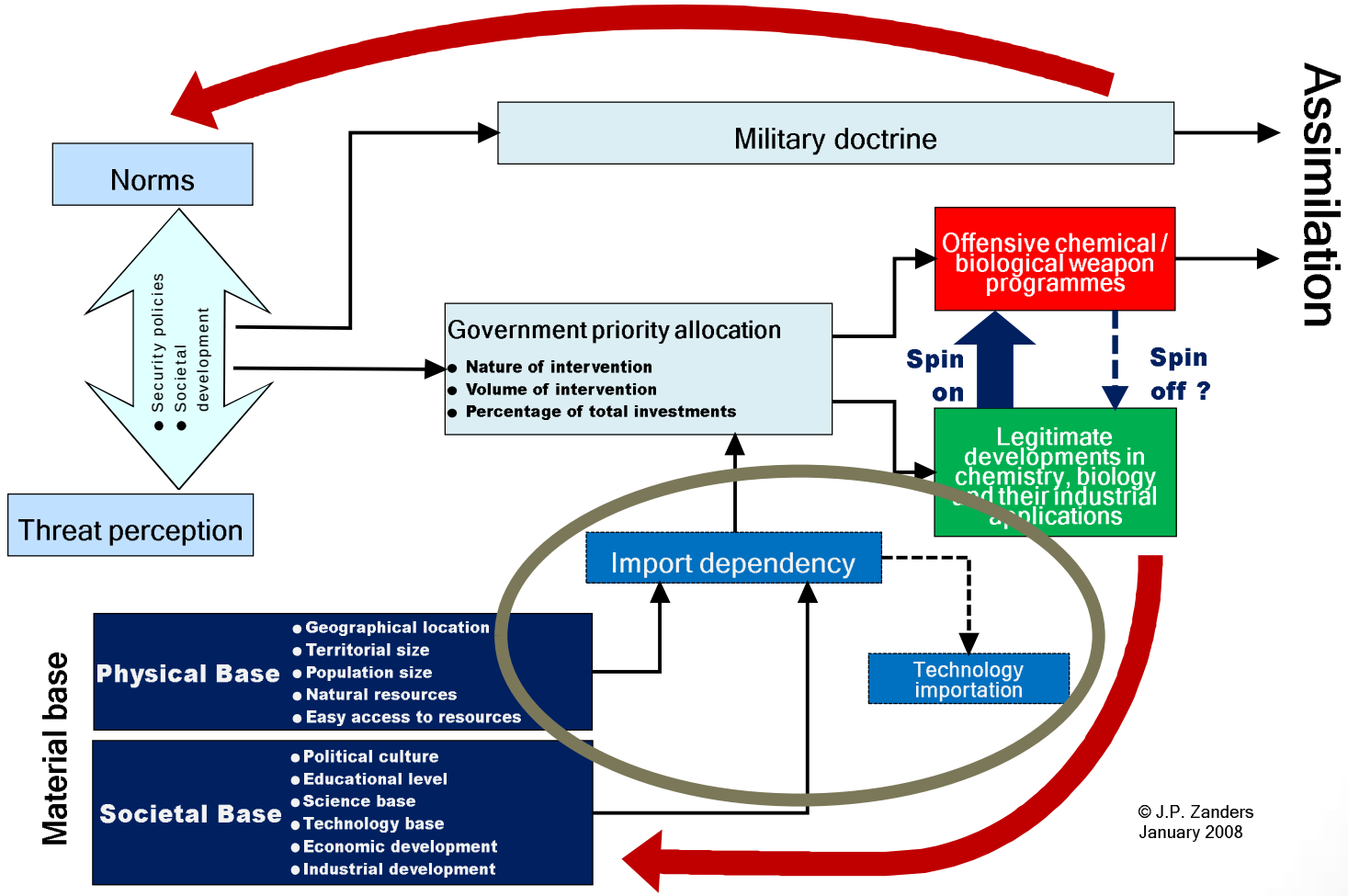
CBRN weapons & transfers

- There is no or hardly any trade in CBRN weapons
  - Extremely dangerous for the people involved in trafficking
  - 'Weapons' are bulky (munitions; storage containers) and therefore difficult to move
    - Requires specialised equipment
    - In some instances, large volumes would have to be transported (e.g. CW)
  - Complex & highly specialised networks required
    - Unusual requests become visible to intelligence agencies
    - Activities at weapon research, production and storage are under observation (e.g. satellites)

- Transfers therefore mostly involve technologies *underlying* CBRN weapons
  - Materials: toxic agents & their precursors, pathogens, radioactive sources, …
  - People: scientists, engineers, technicians, … (education, experience & expertise)
  - Research: equipment, software, methodologies and results
  - Production: equipment and processes

- Consequently, there are many dimensions to controlling technology transfers

Place of technology transfers in the armament dynamic (Demand side)



What is '*technology*'?

'Technology comprises

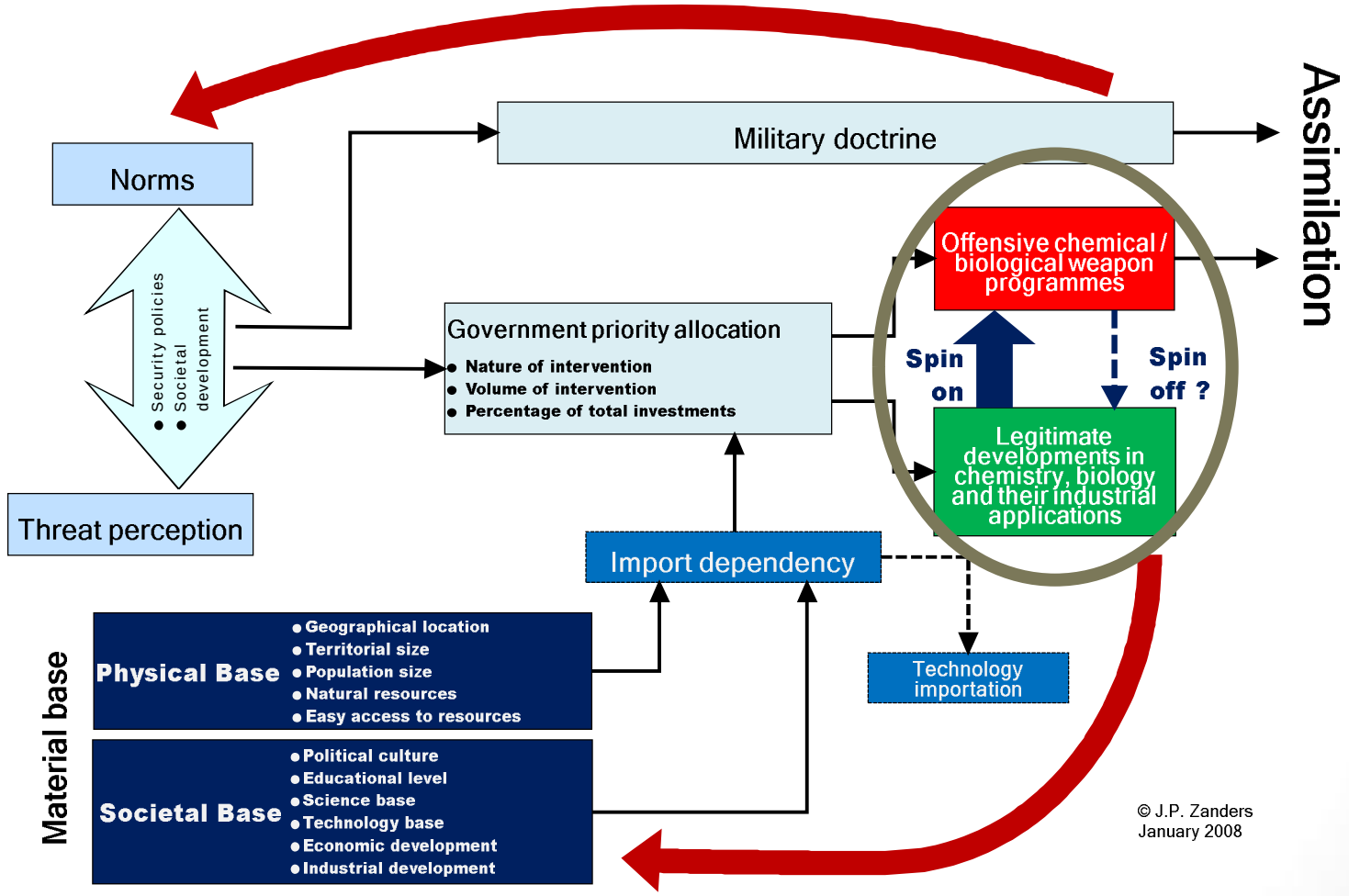
- the *ability* to recognise technology problems,
- the *ability* to develop new concepts and tangible solutions to technical problems,
- *the concepts and tangibles* developed to solve technical problems, and
- the *ability* to exploit the concepts and tangibles in an effective way.'

Errko Autio and Tomi Laamanen, 'Measurement and evaluation of technology transfer: Review of technology transfer mechanisms and indicators', *International Journal of Technology Management*, Vol. 10, Nos. 7/8 (1995)

What is ‘dual-use’ technology?

- Dual-use technology: a technology that has the *potential* to be applied for a *purpose* other than the one for which it was originally intended
  - *Spin-on*: military application of technology originally intended for civilian purposes
  - *Spin-off*: civilian application of technology originally intended for military purposes
- Single-use technology: a technology that lacks such potential
  - e.g. the weapon itself

Long-term technology transfers in the armament dynamic



Tangible and intangible technology

- Tangible objects or artefacts
  - Pathogens, chemicals (including precursors), toxins, radioactive sources
  - Laboratory equipment
  - Fermenters, centrifuges, production equipment, installations and facilities
  - Delivery systems, special equipment associated with weapon use
  - Etc.

- Intangible technologies
  - Data
  - Patents
  - Processes
  - Knowledge
  - Expertise and skills
  - Etc.

Knowledge and expertise

- Academics
  - Universities
  - Research institutes and think tanks
- Scientists and engineers
  - Research institutes
  - Laboratories and testing facilities
- Professionals
  - Technology experts
  - Technicians
- Civil society
  - Expertise in various areas, including assistance in treaty implementation, etc.

Part 2

CBRN WEAPONS AND *DUAL-USE* TECHNOLOGY

CBRN weapons & dual-use

- A CBRN *weapon* is a ‘single-use’ technology
  - It has no other purpose than being a weapon
- CBRN weapon *development* often rests on ‘dual-use’ technology
  - Materials
  - People: scientists, engineers, technicians, …
  - Research equipment, methodologies and results
  - Production equipment and processes
- The core question is: *when is the ‘single-use’ stage reached* in weapon development?

Reaching the single-use stage

- Chemical weapons
  - Agents in bulk or filled in munitions, delivery systems; specialised equipment (CWC definition of a CW)
  - However, *CWC* places certain toxic chemicals and their precursors in Schedule 1, meaning that they have *no other purpose than being a CW* (= single use)
    - But what about other precursor chemicals of past warfare agents such as chlorine and phosgene?
- Biological weapons
  - In contrast, the *BTWC* faces the problem that BW are the only arms category in which the active ingredient can be used for *both attacking and defending* the target
    - Activities in BW defence, protection and prophylaxis are permitted, but hardly distinguishable from BW offence
  - Raises questions about activities that may inadvertently contribute to BW development in the present and the future
- Radiological weapons
  - When radioactive source is fixed to an explosive device or upon release?
- Nuclear weapons
  - When enrichment of nuclear fuel exceeds 20%?

Summary of ‘dual-use’ debate

- Dual-use issues arise when the attempts to control a particular technology confront the non-military commercial and scientific interests in such technology

- Disarmament
  - Total ban on development, production and possession of *a weapon* and preparations for *its* use in warfare (BTWC, CWC)
  - ‘Dual-use’ issue emerges when
    - Civilian facilities and installations need to be verified
    - Need to prevent the (inadvertent) assistance to development of banned weapon by another state or non-state entity
  - Ban of weapon (= single-use technology) is central; control of dual-use technology supports that central goal

- Non-proliferation
  - Control of access to technologies that may contribute to undesired weapon development in another state or non-state entity
  - Primary policy tool for weapon categories whose use in war or possession *have not been wholly delegitimised* (e.g., nuclear weapons, ballistic missiles)

Part 3

CHALLENGES IN MANAGING DUAL-USE TECHNOLOGY TRANSFERS

Company interests

- Desire to have commercial relations as free as possible
  - Maximise opportunities for technology development and production
  - Maximise profit generation through sales
  - Minimise cost and impediments that could increase cost
- Transfer controls
  - Interfere with free commercial relations
    - Restrictions on customer selection
    - Administrative burden
      - Administrative requirements
      - Additional staff or outsourcing of administrative requirements
      - Risk assessments
    - Time delays
  - Increase cost

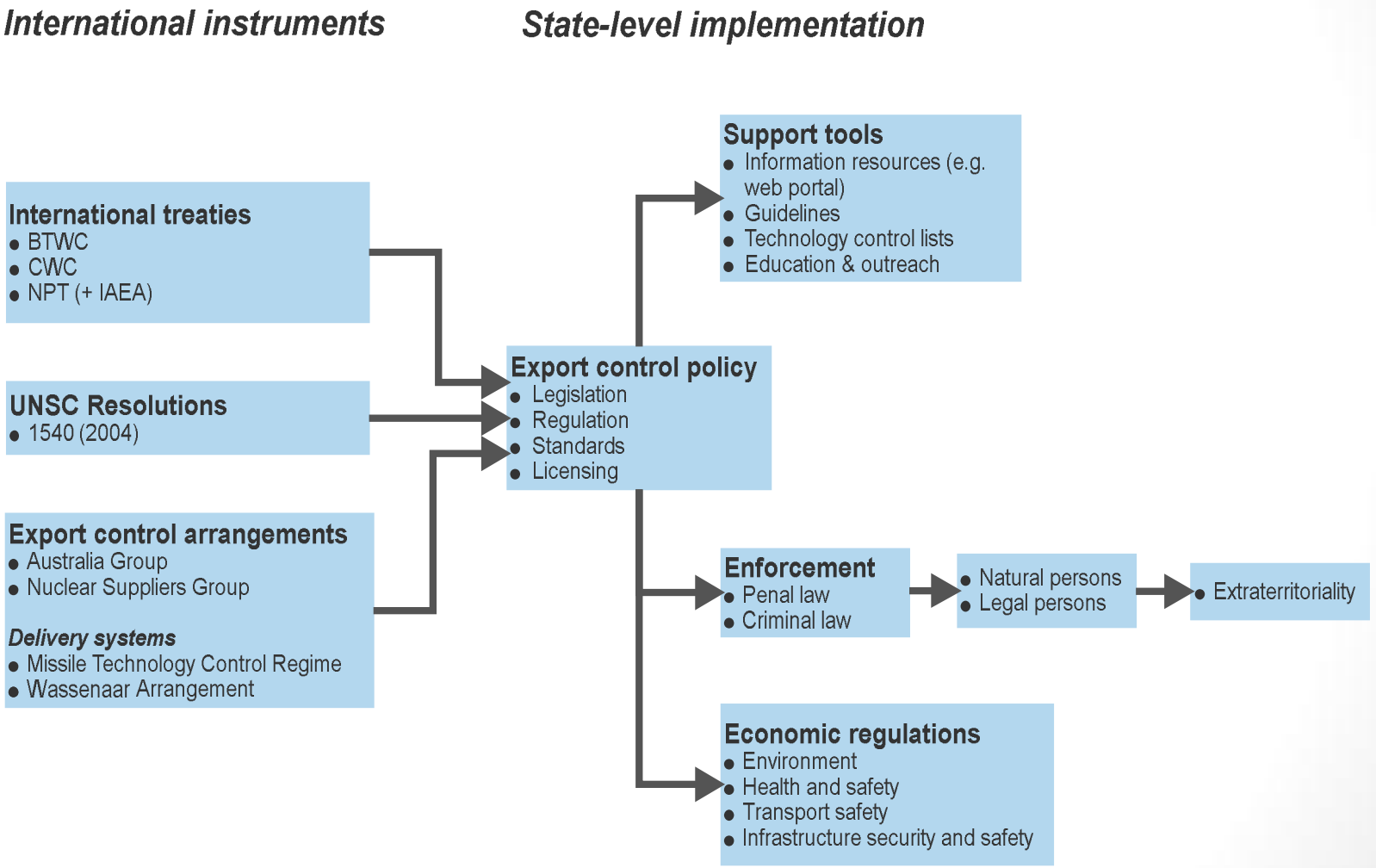
Nature of technology transfers

- Commercial transactions
  - Trade
  - Assistance
    - Technology may be free for recipient
    - Nevertheless, transfer involves many commercial trade-related activities
- Business decisions
  - Mergers and acquisitions
  - Divestiture of business activities
  - Friendly/hostile company takeovers
  - Corporate breakups
- Undesired technology transfers
  - Theft
    - Propriety information
    - Research, production, process or product data
    - Tangible technologies
    - Hacking
  - Espionage
    - Industrial espionage
    - Government-initiated espionage

New security actors

- Intent on harm
  - Criminals & terrorists
  - Have potential interest in CBRN materials
- Economic imperatives have replaced security imperatives
  - Sub-state economic units.
    - Industry, shipping agencies, etc.
    - Research institutes
    - Researchers, students, etc.
  - Transnational economic units
    - Multi-national corporations
  - State (agencies)
  - International organisations

Legal foundations of an export control system



A dynamic environment

- Treaties govern inter-state behaviour; new dynamics in CBRN weapons prevention are less state-centric
  - Impact on verification requirements in international treaties
  - New forms of technology transfers
    - Difficult to capture under current transfer control regimes
  - Emphasis on *national* implementation

- Individualisation of threats and threat perceptions
  - A major consequence of terrorism
  - Increasingly, governments frame *responsibilities for individual economic actors and professionals*

THE TRENCH

Recalling where science, industry and military art converged
Challenging entrenched positions

www.the-trench.org

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