

Nuclear disarmament: Lessons from the prohibition of biological and chemical weapons

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Disarmament treaties

- Disarmament
 - Total elimination of a discrete category of weaponry → no residual capacity
 - Elimination of weaponry from military doctrine
 - Loss of skills on how to use the weaponry over time
 - May be most important impediment to future armament
- Arms control
 - Management of agreed quantitative or qualitative levels of weaponry → residual (or increased!) capacity
 - Weaponry remains part of military doctrine

Biological, chemical & nuclear

- Chemical & Biological Weapons (CBW)
 - Disarmament treaties
 - 1972 Biological and Toxin Weapons Convention
 - 1993 Chemical Weapons Convention
 - Treaties cover
 - All preparations for CB warfare, i.e., as good as all steps of the armament dynamic
 - Delivery systems + payload (CB agents); support systems
- Nuclear weapons
 - Arms control treaties
 - Bilateral: SALT, START, SORT
 - Multilateral: PTBT, CTBT
 - Non-Proliferation Treaty
 - Disarmament treaties
 - INF, Nuclear Weapon Free Zones, Moon and Other Celestial Bodies Agreement, Seabed Treaty, Antarctica Treaty
 - Treaties cover
 - Discrete and isolated aspects of armament dynamic
 - Mostly delivery systems (missile + warhead), not payload (fissile & fission materials)
 - Well-defined terrestrial and spatial locations (prevention of armament)

The 1925 Geneva Protocol

- Prohibits use of CBW in armed conflict
 - Limited to contracting parties
 - Void as soon as breach → right of retaliation (made explicit by some states in reservations)
 - Part of the Laws of War / Humanitarian Law
 - No restriction on CBW acquisition / possession
- Suffered several major violations
- Nevertheless, established a strong moral norm
 - Proponents always had to go the extra mile to justify CBW
 - Prevented far-reaching assimilation in military doctrines
 - Prevented 'conventionalisation' of use → special authority always required
 - Laid the foundation for comprehensive disarmament

Quid nuclear weapons?

- No equivalent to Geneva Protocol
- 1996 Advisory opinion by the International Court of Justice
 - Use of nuclear weapons in general against humanitarian law
 - However: could not exclude the '*extreme circumstance of self-defence, in which the very survival of a State would be at stake*'
 - Introduced notion of 'state survival' in international law
 - Residual legitimising factor for *use*, which is absent from Geneva Protocol → also helps to justify armament

Towards a comprehensive approach?

- Continuation of partial steps?
 - Addressing certain aspects of the armament dynamic → CTBT, FMCT, etc.
 - Unilateral & bilateral cuts in existing arsenals
 - Add regions free of NW
 - What about residual legitimacy of NW use?
- Global zero
 - Backing of disarmament option; move away from arms control & non-proliferation
- Most fundamental challenges:
 - Ensure security with alternative, non-prohibited means
 - Build constituencies with vested interests in removing NW from military doctrine (to counter institutional *push* factors)
 - e.g., get civilian nuclear industry on board like chemical industry came to support CWC
 - May pose conceptual challenge: ban nuclear weapons = ban nuclear energy
 - A vision of military doctrine without nuclear weapons (otherwise, an armament *pull* factor remains)

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