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

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Disarmament treaties

**n 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

**n 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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