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

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Disarmament treaties

n Disarmament

- n Total elimination of a discrete category of weaponry → no residual capacity
- n 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

- n Management of agreed quantitative or qualitative levels of weaponry → residual (or increased!) capacity
- n Weaponry remains part of military doctrine

Biological, chemical & nuclear

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

The 1925 Geneva Protocol

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

Quid nuclear weapons?

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

Towards a comprehensive approach?

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

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