

# The 1925 Geneva Protocol and its contribution to disarmament

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# Biological, chemical & nuclear

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- 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

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- 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?

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- 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?

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- 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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