Nuclear disarmament in view of the experiences with biological and chemical weapons

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Disarmament strategies

• **Eliminating destabilising types of weaponry**
  • Armament categories that may contribute to the outbreak of war
    • 1910s: battleships
    • Biological Weapons (BW)
    • Chemical Weapons (CW)
    • Nuclear weapons (NW)
    • Certain types of delivery systems
    • Current challenge: cyber weapons
  • Armament categories that risk to escalate conflict if they were used
    • CW
    • Certain sub-categories of NW (e.g. tactical weapons)

• **Removing weapon categories that are excessively injurious (to non-combatants)**
  • Post-conflict weapon recovery and destruction
    • Small arms collection and destruction
    • Demining operations
  • Rendering acquisition, possession and use illegal under international law, with additional requirement to destroy existing stockpiles
    • Landmines
    • Cluster munitions
Armament vs. Disarmament

- **Armament**
  - Process of assimilation whereby an arm or arms category becomes fully integrated into military doctrine
    - Political (security policies, bureaucratic interests, etc.) and military (doctrine) imperatives must be reconciled with each other
    - Outcome: weapon technology deployed with military forces → stockpiling, training, etc.

- **Disarmament**
  - Removal of an arms category from military doctrine (Go to zero)
    - Weapon destruction is one facet of disarmament (= backward looking dimension)
    - Prevention of re-armament or re-emergence of weapon technology is also a goal (= forward looking dimension)
  - Outcomes:
    - Removal of pull / push factors that stimulate the armament dynamic
    - Military forces lose capacity to use weapon: no weapon testing, no training, no tactical development
    - A ban on weapon technology and its use becomes a major moral & legal disincentive for future armament (political and societal opposition)
  - Consequence: gap in security policy; has to be addressed by alternative, non-prohibited means
    - Diplomacy; alliance policies; armament with non-prohibited weaponry that performs a similar function in military doctrine

- **(Arms control)**
  - Maintenance of specific levels of weaponry (mostly weapon reductions, but may involve increases)
  - Weapon technology not removed from military doctrine
Genesis CBW Prohibition

1899 Hague Peace Conference

- Customary law prohibiting poison use
- Hague Declaration IV,2 Ban use of projectiles whose sole purpose is diffusion of asphyxiating gases
- Convention Laws of War Poisoned weapons use banned

1925 Geneva Protocol Ban on use of asphyxiating gases and bacteriological methods of warfare

- 1972 Biological and Toxin Weapons Convention (BTWC)
- 1993 Chemical Weapons Convention (CWC)
A one-page document

- Prohibition on the use of asphyxiating gases and bacteriological methods of warfare
- Original idea was to ban the trade in chemical weapons, but discovery of the dual-use problem with poisonous substances foreclosed this route
- Realisation ‘use’ had to be outlawed before any other steps could be considered
- ‘Protocol’: document viewed as step towards disarmament conference of 1930s

Impact of the Geneva Protocol

- Any state could join the Protocol, including CW possessors
  - Did not ban development, production, possession (laws of war; not disarmament law)
  - In many respects it represented a no-first-use declaration
- However, pushed CW to the margins of military doctrine
  - Many more types of decision-makers became involved in armament questions (e.g. budget: ‘why spend scarce tax-payers money on a weapon you tell me will not be used?’)
  - Reinforced moral and normative constraints on the weapon category
  - Alternative options – political, doctrinal – had to be considered by all concerned
- Thus created the preconditions for disarmament (BTWC; CWC)
Nuclear weapons

- Never an equivalent to the Geneva Protocol
  - No ban on use
  - Disarmament rejected in 1950s; substituted for arms control
- Series of partial measures
  - Most arms reduction agreements are bilateral (USA – USSR/Russia) and exclude other countries (also possessing NW)
  - Partial test bans; 1996 Comprehensive Test Ban treaty (still not in force, but being implemented)
  - 1968 Non-Proliferation Treaty → relies on 1957 International Atomic Energy Agency (based on different treaty)
  - Geographic exclusion zones (space, seabed, Antarctica & Nuclear Weapon Free Zones)
- Each treaty requires new ratification; treaties have different membership
  - BTWC and CWC are single documents covering all weapon prohibition dimensions
- Non-use is paid lip service through ‘deterrence’ rhetoric; however, supports armament logic
- No internal pressure to consider alternatives to NW in national or alliance security policies
Geneva Protocol / TPNW

- Ban on use
- No ban on acquisition & possession
- No ban on deployment
- Possessors & non-possessors could join

- Ban on use
- Ban on threat to use
- Ban on acquisition & possession
- Ban on deployment
- Immediate demand of weapon elimination
  - No time for marginalisation & search for alternatives
  - Also affects alliance politics
## Disarmament dimension

<table>
<thead>
<tr>
<th></th>
<th>BTWC</th>
<th>CWC</th>
<th>TPNW</th>
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<tbody>
<tr>
<td>Acquisition</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Destruction</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Non-proliferation</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Weapon definition</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Intern. organisation</td>
<td>No / Implementation Support Unit (2006 RevCon)</td>
<td>OPCW</td>
<td>“Competent international authority” to be designated</td>
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<tr>
<td>Verification</td>
<td>No / CBMs (Formal verification attempted after EIF; ended in failure)</td>
<td>Yes + inspectorate Declaration-based (Destruction of weapons and infrastructure / non-production / Trade)</td>
<td>Yes: Declarations + IAEA safeguards No: Destruction verification to be negotiated by “CIA” (for each NW possessor?)</td>
</tr>
<tr>
<td>Decision-making</td>
<td>Review Conference only? (= position of 1 state)</td>
<td>Executive Council; Conference of States Parties (CSP)</td>
<td>CSP (Rules of procedure to be adopted) Review Conference?</td>
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### Allegations / Conflict resolution

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<th>BTWC</th>
<th>CWC</th>
<th>TPNW</th>
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<tbody>
<tr>
<td><strong>Addressing allegations</strong></td>
<td>Consultations among parties concerned (UN Charter, Art 33?) Meeting States Parties can play supportive role</td>
<td>Bilateral consultations Clarification request Challenge inspection; investigation of alleged use</td>
<td>Consultations among parties concerned</td>
</tr>
<tr>
<td><strong>Restoring compliance</strong></td>
<td>Consultations among parties concerned Right to lodge complaint with UNSC UNSC may initiate investigation + reporting</td>
<td>Authority of decision-making bodies UNSC may be involved</td>
<td>UN Charter, Art 33 Meeting States Parties can play supportive role No reference to UNSC [Permanent members are NW possessors]</td>
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## Cooperation and assistance

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<th>BTWC</th>
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<tr>
<td>Cooperation for peaceful purposes (development)</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Emergency assistance</td>
<td>Right exists; under development</td>
<td>Yes, under constant development by OPCW</td>
<td>No</td>
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<tr>
<td>Other cooperation and assistance</td>
<td>Yes (Often bilateral)</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Treaty implementation</td>
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<td>Victim assistances from nuclear testing</td>
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<td>Environmental remediation</td>
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Other issues for TPNW

- **Relationship IAEA and Competent International Authority?**
  - When will the authority be set up?
  - Different set of states will negotiate this than one for treaty negotiation
  - What will be its role if no NW states join the treaty?
  - Is it only concerned with overseeing weapon destruction?
  - What about prevention of future armament?

- **Verification of state party declarations & activities**
  - What happens if a state party falls victim of ‘fake news’ by non-state parties?
    - Cf. Russian allegations of BW development in US-funded laboratory in Georgia
    - What tools exist for a state party to exonerate itself?

- **Budget**
  - How big will the budget be?
  - Will daily management of treaty fall under the UN system?
    - Strict rules to observe: no money under budget lines, no activities
    - When will the first budget be decided & funded for first meeting of states parties?
  - What happens in case of non-payment of dues (as with BTWC and CWC)?
  - Will there be an implementation support unit? If yes, where based?
Conclusions

• The treaty exists, but a lot of work still needs to be done
  • No preparatory committee phase; no other preparations
  • No budget for preparations; no budget for 1st meeting of states parties
  • Treaty supporters are strangely uninterested in concrete treaty implementation → hardly any conceptual or technical planning / preparations

• Seems hybrid between disarmament (stability) and humanitarian disarmament
  • Many elements that keep states parties interested over long term are absent
  • Negotiation of new elements may be difficult → norm exists now

• Pitfalls seen with BTWC and several humanitarian disarmament treaties have not been addressed
  • UN rules governing budget
  • No money, no meetings, no activities
  • Great reliance on supplementary funding for humanitarian action; not coordinated by implementation support unit or international body
Recalling where science, industry and military art converged
Challenging entrenched positions

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