

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

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Pugwash France, General Assembly
Paris, 13 February 2019

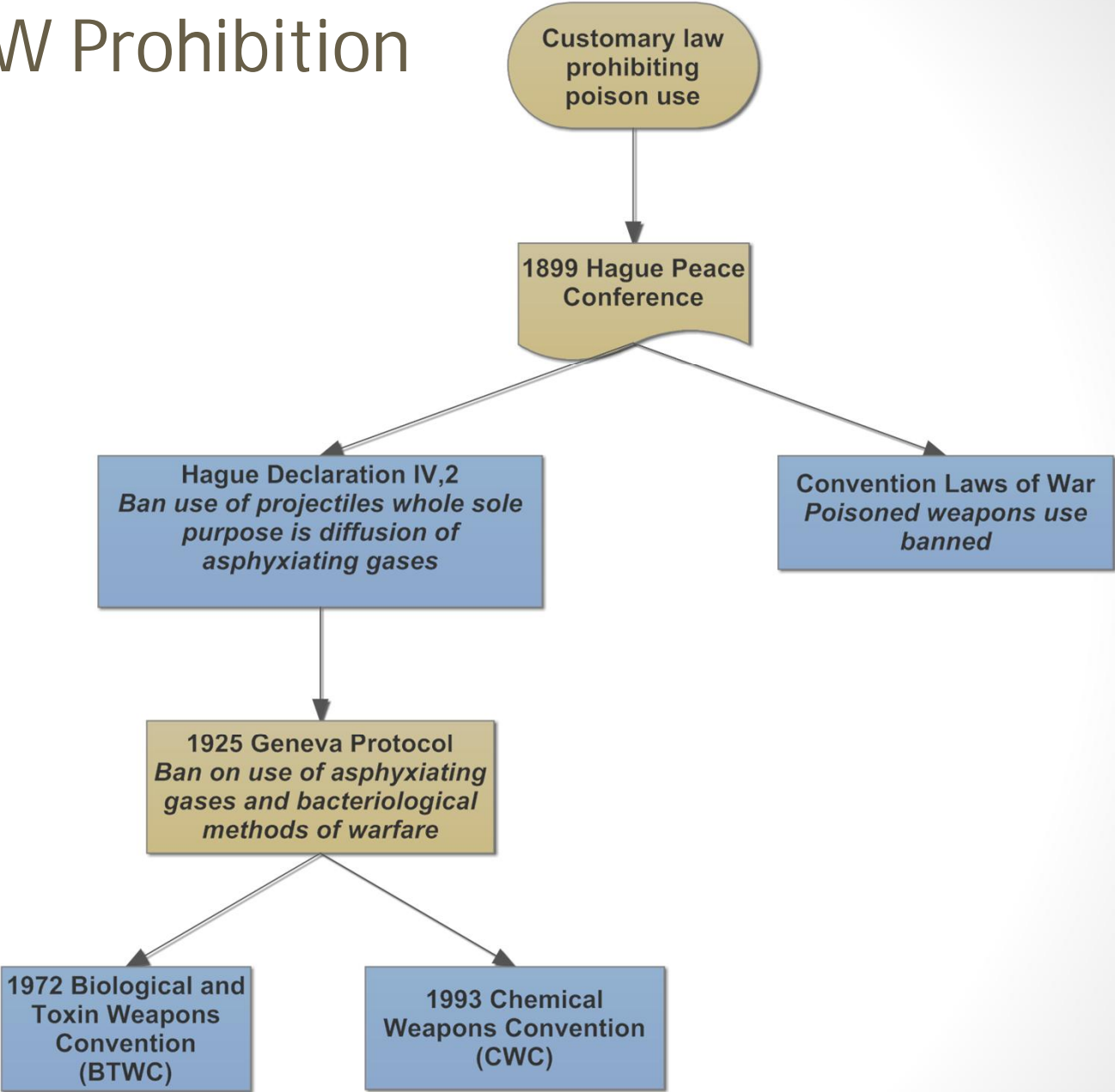
Disarmament strategies

- **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



Geneva Protocol & CBW disarmament

- 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

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

Allegations / Conflict resolution

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

Cooperation and assistance

	BTWC	CWC	TPNW
Cooperation for peaceful purposes (development)	Yes	Yes	No
Emergency assistance	Right exists; under development	Yes, under constant development by OPCW	No
Other cooperation and assistance	Yes (Often bilateral)	Yes	Yes <ul style="list-style-type: none">• Treaty implementation• Victim assistances from nuclear testing• Environmental remediation

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



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