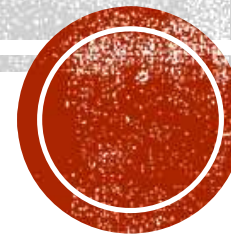


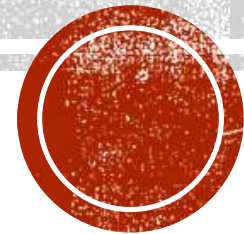
# **NON-PROLIFERATION AND ARMS CONTROL**

**The Role of EU Foreign and Security Policy and EU Law**



# LECTURE 2

The International Arms Control Framework



# RECAP LECTURE 1

- Why does Arms Control matter
- What is Arms Control
  - Arms Control
  - Non-Proliferation
  - Disarmament
  - Humanitarian Arms Control
- Types of Weapons
- Subject of Control
- Forms of Control

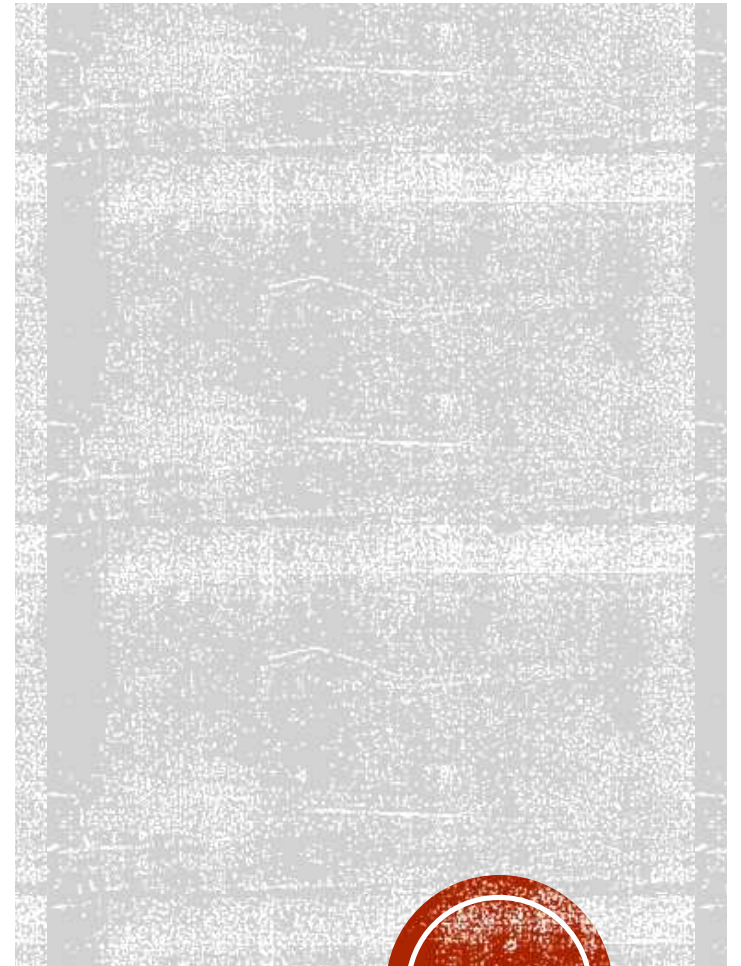


# OUTLINE

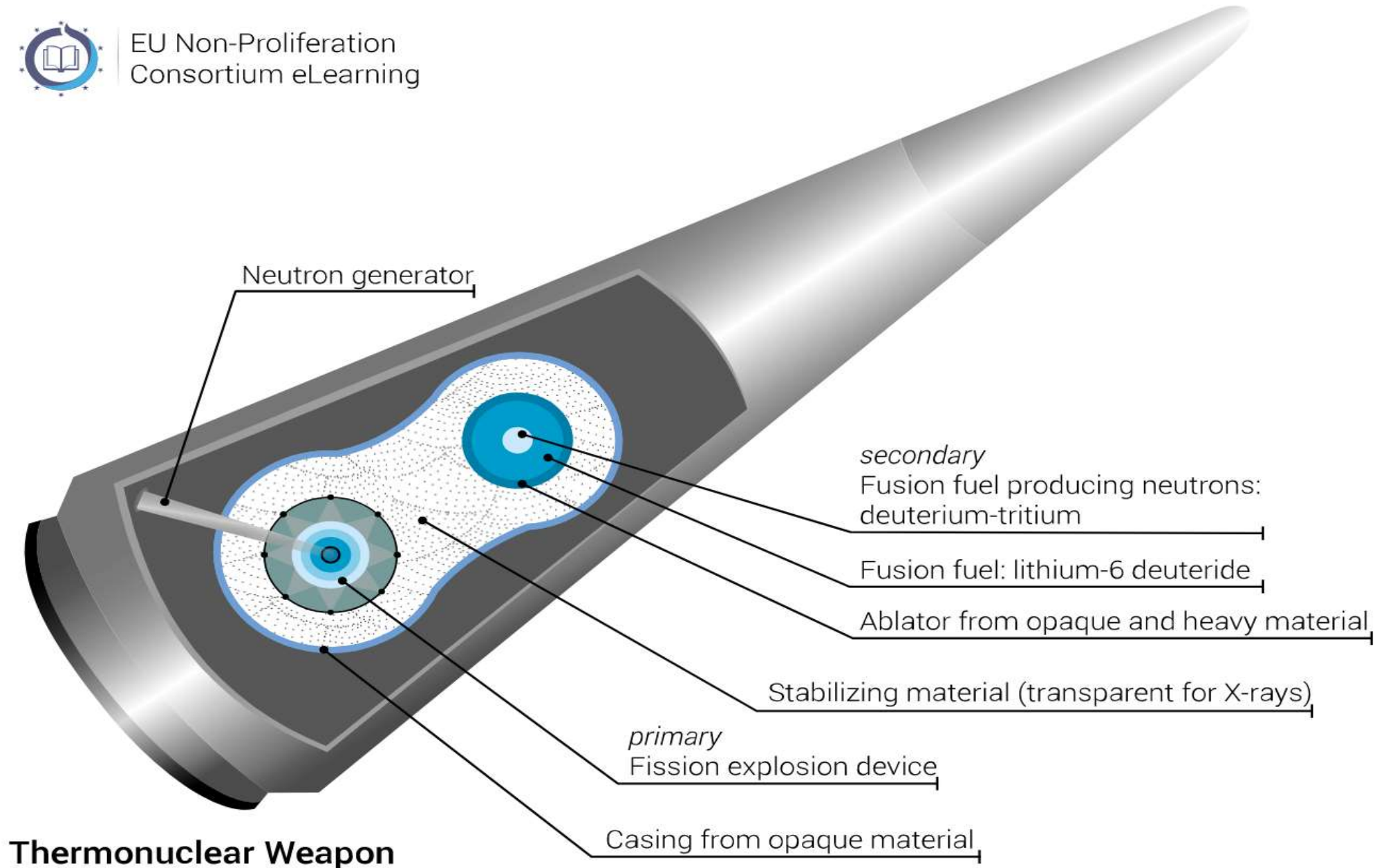
- Nuclear Weapons
  - Non-Proliferation Treaty
  - Beyond the treaty
- The United Nations Arms Trade Treaty
  - History
  - Negotiation
- Human Rights Law
- Humanitarian Law



# NUCLEAR WEAPONS FRAMEWORK







**Thermonuclear Weapon**





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**Blast**

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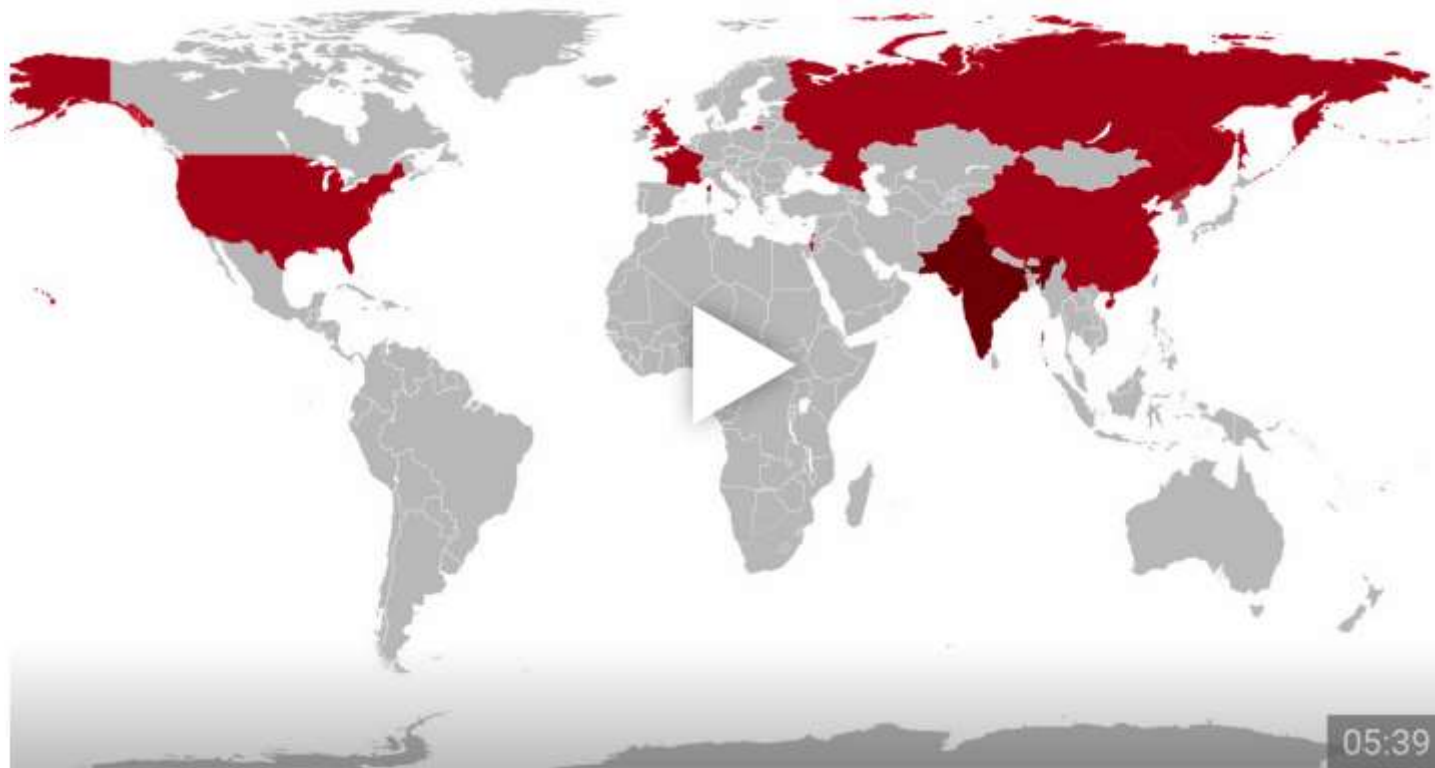
**Heat**

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**Radiation**

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**Global effects**



## WHO HAS WHAT

- USA
- Russia
- China
- France
- UK
  
- India
- Pakistan
- Israel
- North Korea





# BILATERAL NUCLEAR ARMS CONTROL

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The 1963  
'Hotline'  
agreement

The 1972 SALT  
I-Agreement  
and ABM-Treaty

The 1987 INF-  
Treaty

The 1991  
START-Treaty

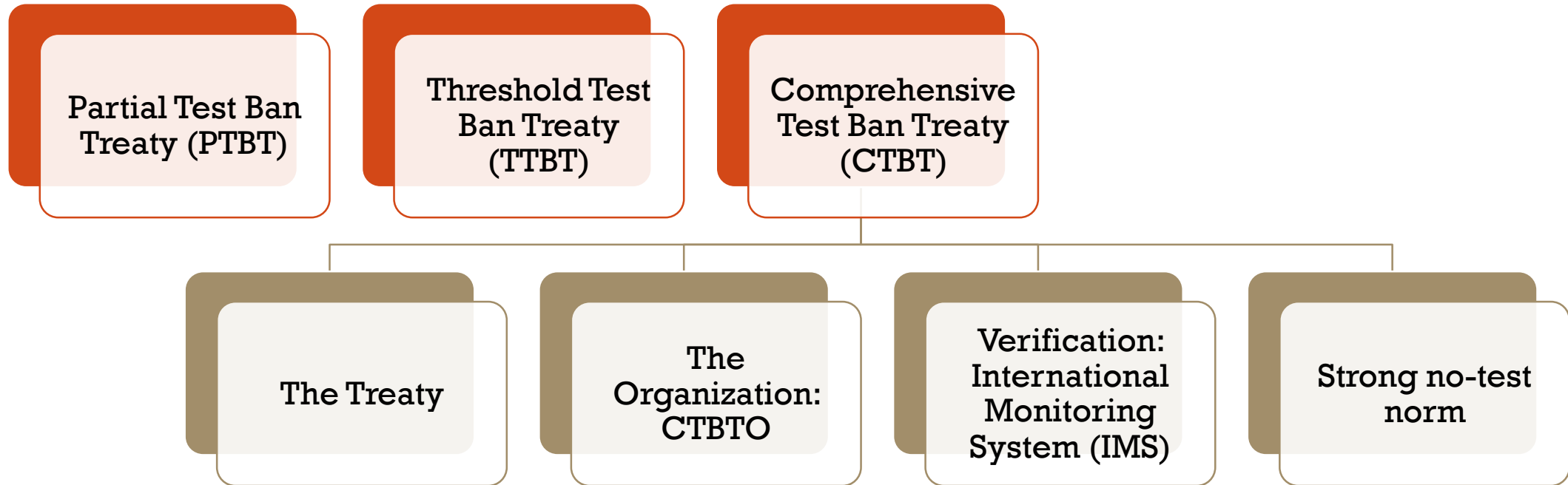
The 2003 SORT-  
Treaty

The 2011 New  
START-Treaty



# NUCLEAR TEST BAN TREATIES

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# The Non-Proliferation Treaty

## THE NON-PROLIFERATION TREATY

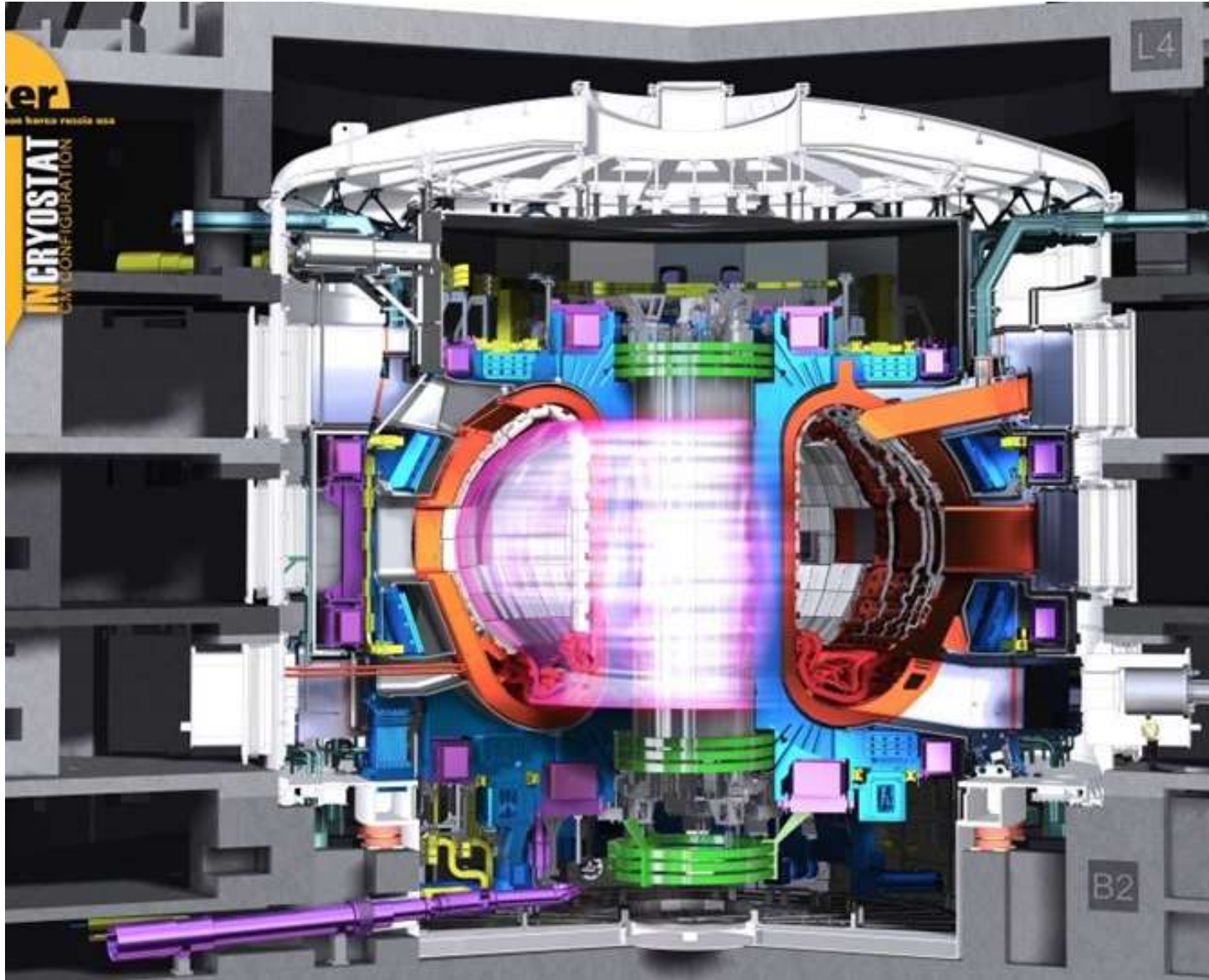
- Triggers and Origins
- Entry into force 1970
- Distinction: NWS/NNWS
- NWS = Big 5
- NWS commit to: disarmament & not help others to develop or acquire NW
- NNWS commit to: not develop or acquire not help others to develop or acquire NW
- All cooperate with regards to peaceful uses
- Challenges:
  - Universality
  - Compliance
  - Verification
  - Gaps

Non-Proliferation

Peaceful Uses of  
Nuclear Energy

Disarmament





## PEACEFUL USE OF NUCLEAR TECHNOLOGY: THE EXAMPLE OF ITER

- International Thermonuclear Experimental Reactor
- International nuclear fusion research project
- Aims at generating electricity from nuclear fusion
- 7 Members:
  - EU
  - India
  - Russia
  - Japan
  - China
  - United States
- Construction until 2025





# NON-PROLIFERATION AND THE NPT

NPT's role in nuclear non-proliferation



overview Non-Proliferation Commitment



IAEA safeguards and verification system:

The IAEA

nuclear safeguards





# NUCLEAR DISARMAMENT BEYOND THE NPT

## Regional and bilateral verification regimes

- Agreements between i.e. EU and IAEA or EURATOM and IAEA

## Export controls

- Based on Art. 3 „Non-Proliferation Principle“
  - Covers cases where NPT and NWFZ are not enough
  - Safety net



# NUCLEAR DISARMAMENT

## Different disarmament approaches

### Step-by-step

- favoured by the NWS and some NNWS
- series of steps (CTBT, FMCT, etc.) on way to disarmament

NWS maintain that they have done much to comply with Art VI because they have reduced the number and types of their warheads as well as stopped nuclear testing. Stability as pre-requisite of disarmament.

### Comprehensive

- favoured by the majority of the NNWS
- includes nuclear weapons convention, ban treaty & other proposals

NNWS argue that nuclear arsenals are bigger than necessary and that no good faith negotiation is being tried to eliminate them, along with other dangerous practices being maintained, including modernization, deployments, and targeting.

- 2000 RevCon (G) and the 13 practical steps
- 2010 RevCon and the Action Plan
- 2015 RevCon and the clash between two approaches: step-by-step vs. comprehensive (building blocks)
- the WMD-free zone in the Middle East

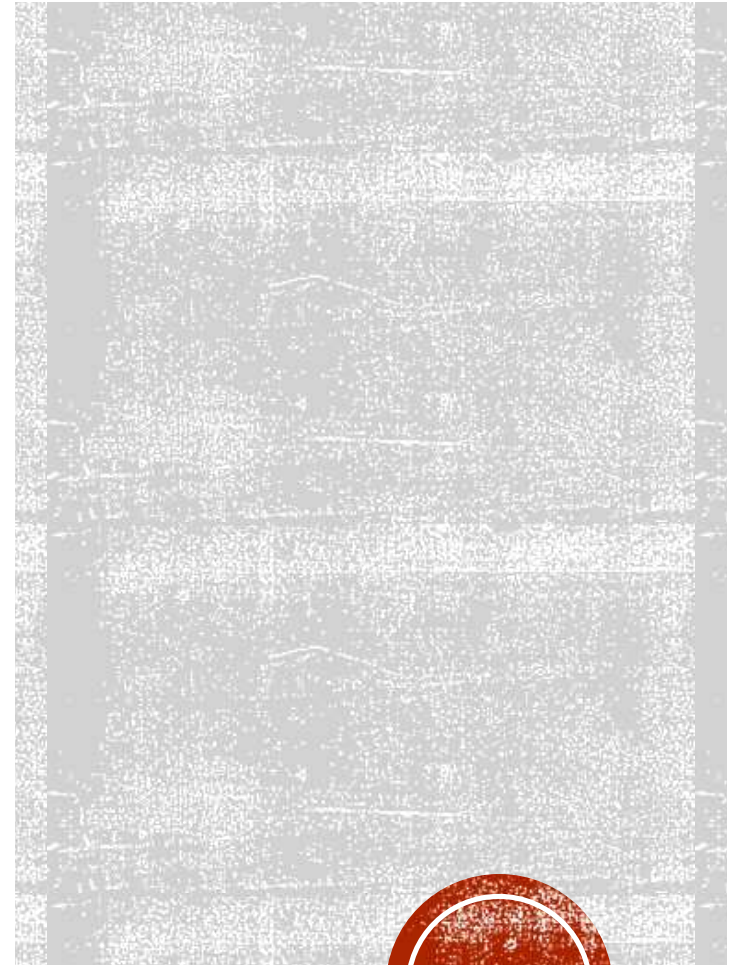



# THE EU AND THE NPT



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# **INTERNATIONAL FRAMEWORK**





**THE UNITED  
NATIONS ARMS  
TRADE TREATY  
ATT**

- **Historical context**
- **Negotiation**
- **The role of civil society and reputation**
- **Scope**
- **Shortcomings and critique**



# HUMAN RIGHTS LAW

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Determination  
of the starting  
point

Nature of a  
possible  
obligation

Concerns –  
imposition of  
human rights  
standard



## Common Art 1 Geneva Convention I-IV 1949

To respect and ensure  
respect for International  
Humanitarian Law in all  
circumstances

**INTERNATIONAL  
HUMANITARIAN  
LAW**



## Arms transfers as intervention or use of force

- Difference between transfers to government and transfers to opposition
- Nicaragua Judgement of the ICJ

## Paradigm shift Arab Spring

- Arms transfers and Humanitarian necessity
- Humanitarian Intervention?
- Emergence of a prohibition of arms transfers to governments in civil wars

# ARMS TRANSFERS AND THE IUS CONTRA BELLUM





**SECONDARY  
RESPONSIBILITY**

Own conduct

Conduct of agents

Derivative liability

Art. 16 ASR

- A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:
  - (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and
  - (b) the act would be internationally wrongful if committed by that State.