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BOOK REVIEW: NUCLEAR DISARMAMENT IN INTERNATIONAL LAW AND POLITICS: A TRIBUTE TO MIROSLAV TŮMA

Danylo Stonis*

SMETANA, M., BÍLKOVÁ, V., et al.: *Jaderné odzbrojení v mezinárodním právu a politice: pocta Miroslavu Tůmovi [Nuclear Disarmament in International Law and Politics: A Tribute to Miroslav Tůma]*. Praha: Ústav mezinárodních vztahů, v. v. i., 2021. 185 p. ISBN 978-80-87558-36-2

The book, published by a research team of Institute of International relations in Prague, is dedicated to a topic of nuclear weapons from the point of view of international law, political science and theory of international relations. The book is also a tribute to **Dr. Miroslav Tůma**, who has long been involved in the research on the topic of nuclear weapons, nuclear armaments and disarmament. This topic is constantly relevant, as the threat of using nuclear weapons in international conflicts is on the rise. Nowadays, the majority of authoritarian regimes threatens to use nuclear weapons as a measure, aimed to protect their states from unfriendly activities of other states and alliances. Therefore, nuclear weapons still act as a powerful geopolitical tool, capable of influencing relations between states and changing their foreign and security policies. In this regard, the book provides a comprehensive and complex analysis of the nuclear armament and nuclear disarmament in the realm of international law and international relations as well as covers less discussed topics, such as the environmental impact of nuclear weapons and issue of nuclear terrorism in international law. Furthermore, the second chapter of the book is considered to be of utmost relevance, due to dealing with the issue of nuclear disarmament in international politics on the example of the US nuclear strategies under the

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administrations of **Barack Obama** and **Donald Trump**. The nuclear strategy of an important and influential geopolitical actor such as the US shapes relations between other nuclear states, which are becoming more contested and uncertain in the post-Cold war world order.

The book, despite covering such a complicated and important subject, can also be recommended to the general audience. Chapters of the book, written in eloquent, comprehensive and well-structured manner, make it easier for the reader to navigate the topic without needing to know too much context in advance. The publication is structured into two major chapters, which deal with specific aspects of nuclear disarmament in international law and international politics. Therefore, the book is based on a wide range of quality sources, including security strategy of the US and a number of international treaties, which regulate nuclear disarmament and testing of nuclear weapons.

In the first chapter, authors deal with the legality of the threat and the use of nuclear weapons. The chapter is dedicated to various aspects of the regulation of nuclear armament and disarmament by international law. It reflects fundamental legal issues, regarding the existence of nuclear weapons, which were previously discussed by **Dr. Tůma**, and provides further analysis of more obscure legal aspects of nuclear weapons. The first chapter is divided into five subsections, which cover particular legal aspect of nuclear weapons.

The first subsection, written by **Jan Ondřej**, outlines progressive attempts of the international community to prohibit testing of nuclear weapons in various environments, including Earth's atmosphere, underwater and outer space. **Ondřej** states that while the prohibition of nuclear weapons testing in air, underwater and outer space is already subjected to provisions, regulated by 1963 Partial Nuclear Test Ban Treaty, the legality of underground nuclear weapons testing is still debated. This uncertainty in international law is exploited by nuclear states such as North Korea, India and Pakistan to regularly conduct underground nuclear tests. Despite the adoption of Comprehensive Nuclear-test-ban Treaty (CTBT) by the UN General Assembly in 1996, the Treaty has not entered into force, due to not being ratified by several nations, thus contributing to the resumption of arms race.

In the second subsection, **Kamila Šrolerová** tackles the issue of the environmental impact of nuclear weapons and its regulation by international law. **Šrolerová** claims that despite the extensive negative and possibly irreversible

effects on the environment, caused by the deployment of nuclear weapons, the legal aspects in this area are still limited and insufficient. The key instrument of international law, which mentions negative environmental impact of nuclear weapons is represented by the 1992 UN Framework Convention on Climate Change, which is only a framework instrument, focused primarily on general tackling of climate change.

The third subsection, written by **Veronika Bílková**, deals with the misuse of nuclear weapons by non-state actors, such as terrorist groups. **Bílková** points out that nuclear terrorism remains an unsubstantiated threat, however, this aspect is heavily regulated. The international law features several instruments that address the issue, such as the 1968 Treaty on the Non-proliferation of Nuclear Weapons and Instruments, as well as directly target it, such as the 2005 UN International Convention for the Suppression of Acts of Nuclear Terrorism and the 2004 UN Security Council Resolution 1540. The subsection also takes into account activities of international organizations, such as International Atomic Energy Agency (IAEA) and Global Initiative to Combat Nuclear Terrorism (GICNT), which seek to inhibit use of nuclear energy for military purpose. **Bílková** concludes, that fragmentation of international law and the lack of a single monitoring and enforcement mechanism to ensure prevention of nuclear terrorism are major shortcomings that undermine creation of a comprehensive system of international law.

In the next subsection, **Petra Ditrichová** addresses the legality of the threat of use of nuclear weapons, which is expressed in 1996 advisory opinion of the International Court of Justice, issued at the request of the UN General Assembly. The Court concluded, that although there is no explicit ban on the threat and use of nuclear weapons in international law, the general principles of international humanitarian law apply, in particular the principles of necessity and proportionality, with which the threat of use of nuclear weapons would be difficult to comply. However, the Court left open the issue of whether the use of nuclear weapons could be justified in the event of an extreme situation threatening the very existence of the state. **Ditrichová** also points out that the opinion of the Court is not always completely consistent, it includes different aspects of international law and does not answer the question unambiguously.

The last subsection of the first chapter is written by **Kristýna Chyňanová** and is dedicated to the 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW). **Chyňanová** attempts to clarify the issue of the legality of use of nuclear weapons. Her subsection highlights prerequisites that led to the adoption of the Treaty,

presents its concept and outlines the criticism of the Treaty by nuclear states. The subsection also mentions that despite the position of the Czech Republic, which did not vote on adoption of the Treaty, it is possible to support the Treaty without acting contrary to its other international obligations. The author concludes that the TPNW is a major step towards nuclear disarmament, which can be used as a basis for further discussions on the issue of nuclear weapons proliferation.

The second chapter tackles the nuclear disarmament in international politics. It clarifies the role of nuclear weapons in military-industrial complex, overviews nuclear strategies of the USA under the administration of **Barack Obama** and **Donald Trump** and reflects current attitude towards the issue of nuclear armament and disarmament.

In the first subsection of the second chapter, **Alyn Ware** and **Vanda Prošková** deal with the influence of production of nuclear weapons on the arms industry and arms race. Authors demonstrate the interdependence between nuclear armament and the development of military-industrial complex of the state in long-term perspective, using distinct examples, such as the US Strategic Arms Reduction Treaty (START). The difficulty of the standard democratic legislative process to address this interdependence is also pointed out. In order to solve this problem, **Ware** and **Prošková** propose divestitures, the transition of military-industrial complex activities to non-military ones, created by pressure from investors and other economic tools (exclusion of investments, disposal of ownership etc.). According to the authors, divestment should not depend on the goodwill of states, cities or companies, but should be based on international law standards, which are increasingly calling for this procedure.

The next subsection, written by **Jan Eichler**, overviews time period in the USA between first and second decade of the 21st Century, namely the presidency of **Barack Obama**. During his two terms, **Obama** has taken four important steps regarding nuclear disarmament. These steps are represented by 2009 speech on a world without nuclear weapons, the signing of the New START Treaty in Prague in 2010 together with subsequent publication of a new US nuclear strategy and convening of a Nuclear Security Summit the same year. According to **Eichler**, the implementation of these steps marks the difference of **Obama** administration from its predecessors by supporting the goal of a world without nuclear weapons, taking concrete steps to reduce the dependence of the US on nuclear weapons and providing guarantees to non-nuclear states that adhere to international obligations. However, it is noted that the deteriorating state of international affairs

in recent years undermines the sustainability of **Obama's** nuclear disarmament legacy.

The US nuclear strategy of **Obama's** successor **Donald Trump** is outlined in the third subsection by **Michal Smetana**. The subsection focuses on **Trump's** attitude towards nuclear weapons and analyses the Nuclear Posture Review (NPR) of 2018, the development of this type of strategy paper since the end of the Cold War and specific measures of the US government regarding its nuclear strategy from 2017 to 2020. It pays great attention to two rather controversial areas, namely the development of new types of nuclear weapons, installed on submarines and a new draft of the US doctrine for the use of nuclear weapons. **Smetana** concludes that the NPR takes a rather conservative approach in these areas. On the other hand, the NPR makes a fundamental departure from the previous approach to nuclear arms control and disarmament initiatives. This diversion, together with growing tensions between nuclear states, can lead to the resumption of uncontrolled arms races.

The fourth subsection covers the impact of the current international affairs on the progression of nuclear armament and disarmament. The author, **Jan Ludvík**, argues that changing environment undoubtedly affects the principles of the nuclear arms control regime. Hence, the bipolar balance of powers which dominated during the Cold War should be rearranged in order to tackle the imbalance of nuclear arsenals, the alarming increase in effectiveness of nuclear weapons and the growing nuclear ambitions of geopolitical actors other than nuclear states. These factors should lead to the disarmament framework that includes both nuclear and non-nuclear actors. **Ludvík** concludes that the creation of high-quality and effective verification mechanisms is crucial for ensuring the functioning of the nuclear weapons regime.

The author of the final subsection, **Ondřej Dityrych**, deals with the theoretical justification of the multilateral nuclear arms control regime. Despite frequent mentioning of this type of regime in idealism, the author argues that it can also be found in realism. The realistic argument in favour of a multilateral nuclear arms control regime is to question the dichotomy between deterrence and arms control, which is considered to be inappropriate in a more contested environment with weakening norms and mechanisms of multilateralism and international cooperation. The **Dityrych's** argument is further based on the recognition of the realist approach, the perception of the value of decades of (micro-) trust-building practices and the role of transparency in mitigating the effects of the security dilemma. The main conclusion of the chapter, and of the whole book as well, is

that nuclear disarmament is not necessarily just a utopia which it is often considered to be, but that it is an important, realistic and commonly needed goal.

The team of authors has succeeded in creation of a comprehensive publication dedicated to an important and constantly relevant topic, which is of utmost importance in current geopolitical situation. The authors managed to objectively process the serious issue, by covering different view, opinions and approaches towards nuclear weapons. Each member of the team has experience in the field of international relations and international law, which significantly contributes to overall quality of the book. A slight weakness of the book, however, is represented by the analysis of the nuclear strategy of only one nuclear state, the USA. However, this issue is likely caused by the fact, that the majority of nuclear states are governed by authoritarian regimes, which provide discreet information on their nuclear strategy, classify it or completely deny the development of nuclear weapons. In general, the book serves as a great addition to the academic discourse on international relations and international law, and it can certainly be recommended not only to students of political and social sciences, but also to general audience as well.