



The Imperative of Non-Use of Nuclear Weapons

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Once again, the world is grappling with the specter of nuclear warfare, this time with threatened use of nuclear arms serving as a shield for conventional military operations. That particular function has long been implicit and sometimes explicit in the doctrines, statements, and actions of at least the two most powerful nuclear-armed governments or elements within them. Never before, however, has this type of nuclear threat been so blatant. To compound the wrongfulness, the threat is in service of a clearcut war of aggression.

In this circumstance, it is worth underlining some fundamentals of law relating to war and nuclear arms.

First, warring parties must comply with the law of armed conflict in all their military operations. Non-use of nuclear weapons is obligatory. That encompasses a responsive use as well as an initial resort to nuclear arms. No first use, no second use, no third use. The obligation of non-use arises above all out of the humanitarian rules protecting civilians from the effects of warfare. Important too are the rules protecting the environment, in particular the prohibition of use of means of warfare that cause widespread, long-term, and severe damage to the environment.

Second, threats to use nuclear arms are both unacceptable and illegal. Under the UN Charter, states are obligated to refrain from threats of aggressive force. Under international law as stated by the International Court of Justice, they are also obligated to refrain from threats of force which would violate international humanitarian law. Consequently, states are obligated to refrain from threatening use of nuclear weapons in any circumstance, whether the threat is aggressive or defensive in nature.

We urge governments to condemn nuclear threats, and to make decisions now, if not already made, on political, legal, and economic responses to any use of nuclear arms, and to communicate those decisions immediately to relevant governments.

So long as nuclear weapons exist, the world, at best, will continue to live with “a peace that is no peace,” as George Orwell put it in 1945. And there are worse possible futures. If there is to be genuine global and human security, nuclear weapons must be abolished.

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