

*Nuclear Weapons and International Law - The Renewed Imperative
in Light of the Russian Invasion of Ukraine*
Virtual conference held November 8, 2023

Video recording with panel segments

Transcript with panel segments

Agenda, Speaker Bios, Related Materials

This conference addressed the continuing and heightened dangers of nuclear war accentuated by Russia's invasion of Ukraine and threats to use nuclear weapons. It featured knowledgeable speakers with a wide range of experience in government, the military, NGOs, academia, and think tanks, including several LCNP-affiliated persons.

Topics included the risks associated with use of nuclear arms (panel 1); application of the law of armed conflict to nuclear weapons (panel 2); the role of risk analysis in legal assessment (panel 3); the law of deterrence and threat (panel 4); and the role of international law in today's world (keynote). The conference closed with a strategy session on how lawyers and others can get involved in addressing the dangers posed by ongoing reliance on nuclear weapons.

Panel 1 on risks associated with nuclear weapons featured Alan Robock, professor at Rutgers University and a leading analyst of nuclear winter; James Scouras of John Hopkins University, who addressed several aspects of the topic; and Shane Smith of U.S. Air Force Academy, who presented a sobering analysis of current trends in arms control and in states' reliance on nuclear weapons.

In panel 2, speakers closely examined the application of requirements of the law of armed conflict to use of nuclear weapons. The panel included US military lawyers Daniel Jones and Theodore Richard; Charles Moxley, professor (adj) at Fordham Law School, an LCNP Board member, and principal organizer of the conference; and David Koplow, professor at Georgetown Law. In panel 3, Koplow, Jeffrey Biller, professor at U.S. Air Force Academy, Eirine Giorgou of the International Committee of the Red Cross (ICRC), and Hans Liwang, professor at Swedish Defence University, explored how to apply risk analysis in assessing lawfulness of use of nuclear weapons under the law of armed conflict.

In panel 4, speakers examined whether threats to use nuclear weapons are barred by international law, an understudied topic that is gaining increased attention due to Russian threats in connection with its invasion of Ukraine. In opening remarks, LCNP Senior Analyst John Burroughs laid out the relevant principles supporting the illegality of nuclear threats. Other speakers included Giorgou, who explained the ICRC's developing view; Leigha Groves of U.S. Strategic Command; David Jonas, professor (adj) at Georgetown and George Washington Law Schools; and Allen Weiner of Stanford Law School, who discussed what he sees as difficulties with finding nuclear threats to be illegal.

Professor Oona Hathaway of Yale Law delivered the keynote address, *The Role of International Law in Contemporary Times*. Jonathan Granoff, president of Global Security Institute, offered reflections on policy and law.

The closing panel on how to get involved featured numerous speakers, including several LCNP Board members: Jutta Bertram-Nothnagel, who talked about opportunities for engagement at the United Nations such as a cyber security working group; Jules Zacher, who talked about Freedom of Information Act litigation and advocacy in Washington; and Seth Shelden, UN liaison for the International Campaign to Abolish Nuclear Weapons.

The conference was sponsored by the New York State Bar Association, International Section, and co-sponsored by Fordham Law School, Center on National Security; U.S. Air Force Academy, Law, Technology and Warfare Research Cell; Georgetown Law School, *Journal of International Law*; Catholic Peacebuilding Network; Lawyers Committee on Nuclear Policy; and Global Security Institute.

Expanding the U.S. Nuclear Arsenal is Unnecessary, and Would Increase the Danger of Nuclear War

An LCNP Response to the Report of the Congressional Commission on the U.S. Strategic Posture. The Commission's report, released on October 12, 2003, calls for reinforcing and building up U.S. nuclear forces based on the alarmist view that the U.S. could face simultaneous attacks by two peer nuclear adversaries, Russia and China. This course of action is unnecessary; would violate Non-Proliferation Treaty commitments; and would trigger a ruinously expensive new nuclear arms race which would be even more dangerous than past arms races due to the disruptive effect of new technologies – Artificial Intelligence, remote sensing, and more. [Read more here.](#)