



# Expert Roundtable: The Status of Nuclear Weapons Under International Law

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# Nuclear Weapons And International Law

**Arthur Selwyn Miller, Martin Feinrider**



## **Nuclear Weapons And International Law:**

**Nuclear Weapons and International Law** Nagendra Singh, Indian Council of World Affairs, 1959 From the John Holmes Library collection      **The Legality of Threat Or Use of Nuclear Weapons** John Burroughs, 1998 The threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict and in particular the principles and rules of humanitarian law There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control Advisory Opinion of the International Court of Justice 8 July 1996 This book shows how courageous states from the developing world working in concert with visionary lawyers physicians and other sectors of international civil society boldly obtained astonishing results from the highest court in the world The World Court clearly ruled that the threat or use of nuclear weapons is illegal in almost all conceivable circumstances The Court further underlined the unconditional obligation of the nuclear weapon states to begin and conclude negotiations on nuclear disarmament in all its aspects It is now up to all of us to determine the follow up whatever the opposition We cannot end this century without clear commitments and steps to eliminate nuclear weapons Razali Ismail Permanent Representative of Malaysia to the United Nations President of the United Nations General Assembly 1996 1997 It is not often that a judicial opinion on a given question is both hailed and criticized by participants on all sides of the question This book written by a leading member of the team that helped to prepare the case on the illegality of the threat and use of nuclear weapons explains succinctly what the World Court and the judges in their separate statements did and did not say In so doing it makes a compelling case for the proposition that the Opinion represents a milestone on the road to nuclear abolition Peter Weiss Co President International Association of Lawyers Against Nuclear Arms The 20th century has been defined in large part by the unleashing of the terrible destructive power of the atom and the subsequent struggle to overcome the threat of nuclear annihilation If humankind survives the 8 July 1996 Advisory Opinion of the International Court of Justice and the extraordinary process that led up to it will have played an essential role The Illegality of the Threat or Use of Nuclear Weapons is a concise yet thorough guide to the case In straightforward language it describes the history of this unprecedented initiative and summarizes and explains states arguments to the Court the Court's findings and the separate statements of the judges The author provides cogent expert analysis and most importantly reveals how the opinion imparts hope and points the way to the future The Court has authoritatively interpreted law which states acknowledge they must follow including humanitarian law protecting civilians from indiscriminate effects of warfare the United Nations Charter and the Nuclear Non Proliferation Treaty The implications are profound abandonment of reliance on the threat and use of nuclear weapons as an instrument of national policy and expeditious elimination of nuclear arsenals The opinion can be cited as an authoritative statement of the law in any political or legal setting including the United Nations and national courts and parliaments in which nuclear weapon policies are

challenged John Burroughs an attorney for the Western States Legal Foundation in California served as the legal coordinator for the World Court Project International Association of Lawyers Against Nuclear Arms at the November 1995 hearings before the International Court of Justice

Nuclear Weapons and International Law Richard A. Falk, Lee Meyrowitz, Jack Sanderson, Woodrow Wilson School of Public and International Affairs. Center of International Studies, 1981

Nuclear Weapons under International Law Gro Nystuen, Stuart Casey-Maslen, Annie Golden Bersagel, 2014-08-28

Nuclear Weapons under International Law is a comprehensive treatment of nuclear weapons under key international law regimes It critically reviews international law governing nuclear weapons with regard to the inter state use of force international humanitarian law human rights law disarmament law and environmental law and discusses where relevant the International Court of Justice s 1996 Advisory Opinion Unique in its approach it draws upon contributions from expert legal scholars and international law practitioners who have worked with conventional and non conventional arms control and disarmament issues As a result this book embraces academic consideration of legal questions within the context of broader political debates about the status of nuclear weapons under international law

Nuclear Non-Proliferation in International Law - Volume IV Jonathan L. Black-Branch, Dieter Fleck, 2018-12-19 This fourth volume in the book series on Nuclear Non Proliferation in International Law focuses on human perspectives regarding the development and use of nuclear energy the need for regional solutions and recent activities towards prohibiting and abolishing nuclear weapons Jonathan L Black Branch is Dean of Law and Professor of International and Comparative Law Bencher of the Law Society of Manitoba JP and Barrister England Barrister and Chair of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Member of the Advisory Board of the Amsterdam Center for International Law ACIL and Rapporteur of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Contemporary International Law

*Nuclear Non-Proliferation in International Law - Volume VI* Jonathan L. Black-Branch, Dieter Fleck, 2021-07-26 This sixth volume of the book series on Nuclear Non Proliferation in International Law focuses on current legal challenges regarding nuclear disarmament and security The Series on Nuclear Non Proliferation in International Law provides scholarly research articles with critical commentaries on relevant treaty law best practice and legal developments thus offering an academic analysis and information on practical legal and diplomatic developments both globally and regionally It sets a basis for further constructive discourse at both national and international levels Jonathan L Black Branch is Chair of the ILA Committee on Nuclear Weapons Non Proliferation and Contemporary International Law and President and CEO of ISLAND The Foundation for International Society of Law and Nuclear Disarmament Dieter Fleck is Former Director International Agreements Member of the Advisory Board of the Amsterdam Center for International Law ACIL Rapporteur of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Contemporary International Law

**Nuclear Weapons and International Law** Charles J. Moxley, 2024-05-15 This book analyzes the facts and law as to

nuclear weapons and the policy of deterrence It demonstrates that such weapons cannot lawfully be used and that the policy of deterrence is risky and unlawful It urges that the U S take the lead in delegitimizing these weapons and seeking abolition

*Nuclear Non-Proliferation in International Law - Volume V* Jonathan L. Black-Branch, Dieter Fleck, 2020-01-02 This fifth volume in the book series on Nuclear Non Proliferation in International Law focuses on various legal aspects regarding nuclear security and nuclear deterrence The series on Nuclear Non Proliferation in International Law provides scholarly research articles with critical commentaries on relevant treaty law best practice and legal developments thus offering an academic analysis and information on practical legal and diplomatic developments both globally and regionally It sets a basis for further constructive discourse at both national and international levels Jonathan L Black Branch is Dean of Law and Professor of International and Comparative Law at the University of Manitoba in Canada a Bencher of the Law Society of Manitoba JP and Barrister England Barrister and Chair of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Member of the Advisory Board of the Amsterdam Center for International Law ACIL and Rapporteur of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Contemporary International Law *Nuclear Weapons and International Law* Istvan S. Pogany, 1987 [Nuclear Disarmament in International Law](#) Haralambos Athanasopoulos, 2000-02-01 When German physicists Otto Hahn and Fritz Strassman first split the uranium atom in 1938 they might have little imagined the potential power their experiments had unleashed Since the United States successfully detonated the first atomic weapons in 1945 the entire world has lived in fear of annihilation Technological advances in weaponry and importantly their delivery systems have only heightened the sense of dread Yet since the end of World War II world governments have been unable to agree on a strategy for nuclear disarmament This led first to the Cold War and ultimately to the proliferation of nuclear weapons throughout the world This work examines the nuclear question within the framework of international law The advent of the nuclear age and its impact on postwar peace and law is first covered This is followed by analyses of the initial United Nations disarmament initiatives and the reasons they were doomed from the start The globalization of the Cold War the expansion of the nuclear arms race and the START treaties and the legacy of 1970s era detente efforts in the years leading up to the end of the Cold War are then detailed How the United Nations reacted to the end of the Cold War and the prospects for disarmament in the 21st century are the subjects of the concluding section [Nuclear Non-Proliferation in International Law](#) Jonathan L. Black-Branch, Dieter Fleck, 2015-09-24 This second Volume in the book Series on Nuclear Non Proliferation in International Law discusses the legal interpretation and implementation of verification and compliance with the Treaty of the Non Proliferation of Nuclear Weapons 1968 the Comprehensive Nuclear Test Ban Treaty 1996 and the Treaty establishing the European Atomic Energy Community EURATOM 1957 It specifically examines the question contested in recent academic writings whether the International Atomic Energy Agency IAEA is competent to verify not only the correctness but also the completeness of national

declarations Topical legal issues of verification and its technical and political limits as well as peaceful settlement of disputes and countermeasures are discussed in depth The Series on Nuclear Non Proliferation in International Law provides scholarly research articles with critical commentaries on relevant treaty law best practice and legal developments thus offering an academic analysis and information on practical legal and diplomatic developments both globally and regionally It sets a basis for a further constructive discourse on the topic at both national and international levels A Third Volume to be published in Autumn 2016 will focus on legal issues of safety and security of the use of nuclear energy for peaceful purposes Jonathan L Black Branch is Professor of International Law Royal Holloway University of London a Member of Wolfson College Oxford Chairman of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation and Contemporary International Law Dieter Fleck is Former Director International Agreements Member of the Advisory Board of the Amsterdam Center for International Law ACIL Honorary President International Society for Military Law and the Law of War Rapporteur of the ILA Committee on Nuclear Weapons Non Proliferation and Contemporary International Law

**Nuclear Non-Proliferation in International Law - Volume III** Jonathan L. Black-Branch, Dieter Fleck, 2016-11-14 This third volume of the book series on Nuclear Non Proliferation in International Law focuses on the development and use of nuclear energy for peaceful purposes within a contemporary global context an interdependent characteristic of the Non Proliferation Treaty along with disarmament and non proliferation The scholarly contributions in this volume explore this interrelationship considering the role of nation States as well as international organizations such as the International Atomic Energy Agency IAEA in monitoring and implementing the Treaty The 2015 Nuclear Accord with Iran and its implementation is also discussed highlighting relevant developments in this evolving area Overall the volume explores relevant issues ultimately presenting a number of suggestions for international cooperation in this sensitive field where political discussion often dominates over legal analysis The important tasks of limiting the proliferation of nuclear weapons ensuring the safety and security of peaceful uses of nuclear energy and achieving nuclear disarmament under strict and effective international control calls for the interpretation and application of international legal principles and rules in their relevant context a task that this book series endeavours to facilitate whilst presenting new information and evaluating current developments in this area of international law Jonathan L Black Branch is Dean of Law and Professor of International and Comparative Law at Robson Hall Faculty of Law University of Manitoba a Barrister at One Garden Court London a Magistrate in Oxfordshire a Justice of the Peace for England a Member of Wolfson College University of Oxford and Chair of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Member of the Advisory Board of the Amsterdam Center for International Law ACIL and Rapporteur of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Contemporary International Law

**Nuclear Weapons and International Law** Geoffrey Darnton, 2020-08-08 This book discusses all key legal issues about the illegality of nuclear weapons in international law It updates the 2nd edition with

several new chapters and appendices It is a major resource for lawyers and activists It shows how individuals are personally liable for any activities they perform in support of any nuclear weapons activities      Nuclear Weapons Stuart Casey-Maslen,2021-11-04 Offers an overview of international law policy and practice on nuclear weapons      **Prohibition of Nuclear Weapons: The Relevance of International Law** Elliott Meyrowitz,2025-02-03 The United States is the only nation to have used nuclear weapons in warfare and claims not only through its State Department but through a Congressional vote as late as 1999 that the use of nuclear weapons is lawful Can such a claim with its undeniable assurance of the greatest degree of destruction of life and property this planet will ever have seen be sustained The author investigates this question as a prelude to a more extensive inquiry into the options of legal scholars on the legal status of nuclear weapons and international law Published under the Transnational Publishers imprint      **Nuclear Weapons and Law** Arthur Selwyn Miller,Martin Feinrider,1984-12-21 This book presents a rounded critique of the conventional wisdom about the legality of nuclear weapons by experts in international and constitutional law Part I addresses the status of nuclear weapons under international law Scholars on one side of the question draw upon treaties and international custom to argue that most uses of nuclear weapons are illegal and that even mere possession of such weaponry is legally unjustifiable Others argue that law cannot be imposed on the nuclear weapons states without their consent and that nuclear weapons provide deterrence that binds the superpowers in a peaceful balance of power Part I concludes with a comprehensive bibliography on nuclear weapons and international law Part II the section that focuses on nuclear weapons and American constitutional law offers widely divergent approaches and conclusions Although there is no explicit prohibition of such weapons in the United States Constitution several contributors suggest that the advent of nuclear weapons has so changed the milieu in which constitutional institutions operate that many accepted conclusions must be reexamined Part III explores the effects of nuclear weapons on the environment and the medical consequences of nuclear war      **Nuclear Weapons and Contemporary International Law** Edward McWhinney,Nagendra Singh,2024-09-02      *An attempt to fill the legal gap. The treaty on the prohibition of nuclear weapons* Diane Omari,2020-03-03 Master s Thesis from the year 2019 in the subject Politics Topic Public International Law and Human Rights grade 80 00% Leiden University language English abstract This thesis will first outline the background and key conventions that are predecessors to the TPNW Chapter II will cover thematic similarities between these conventions and then demonstrate how the ideas codified within these treaties left the issue of the use of nuclear weapons legality ambiguous It will then analyse the ICJ s famous Advisory Opinion on the matter and the debates leading up to the acceptance for such a request Chapter III will discuss the main recurring ideas and issues furthering the need for a convention with clarity on the illegality of nuclear weapons and analyse the drafting process of the Treaty by observing the contribution of several states international organizations and non governmental organizations NGOs Various opinions will be observed to outline the perceived legal impact of the Treaty considering that most are dubious of the

cooperation of nuclear weapons states Chapter IV will analyse key provisions of the Treaty its adoption and voting patterns This will include a look at the boycotting of the process by states with nuclear weapons and their allies with a closer observation of the case of the Netherlands who was the only State voting against the adoption The thesis will conclude by identifying the potential successes of the Treaty pursuant to goals outlined in the drafting process and identifying possible recurring issues that may occur with regards to the cooperation of nuclear weapons states The Treaty on the Prohibition of Nuclear Weapons likelihood of achieving its aims will depend on the pressure it creates on states that possess nuclear weapons and their efforts towards disarmament With an analytical view of the drafting process and subsequent voting on the Treaty it seems the only states likely to sign or ratify the Treaty belong to the group that does not possess them to begin with Nonetheless the Treaty may have an effect on nuclear weapon states behaviour if it is widely accepted by other states compelling them to take more aggressive action towards nuclear disarmament Therefore while the TPNW s adoption is a progressive step towards greater certainty on the illegality of nuclear weapons its success in creating a safer world for humanity will largely depend on the likelihood of states in possession of nuclear weapons to feel some obligation to comply with its provisions

#### **International Law and the Proliferation of Weapons of Mass Destruction** Daniel H.

Joyner,2009-03-05 Proliferation of WMD technologies is by no means a new concern for the international community Indeed since the signing of the Nuclear Non proliferation Treaty in 1968 tremendous energies have been expended upon diplomatic efforts to create a web of treaties and international organisations regulating the production and stockpiling of WMD sensitive materials within states as well as their spread through the increasingly globalised channels of international trade to other states and non state actors However the intervention in 2003 by Western powers in Iraq has served as an illustration of the importance of greater understanding of and attention to this area of law as disagreements over its content and application have once again lead to a potentially destabilising armed intervention by members of the United Nations into the sovereign territory of another member state Other ongoing disputes between states regarding the character of obligations assumed under non proliferation treaty instruments and the effect of international organisations decisions in this area form some of the most contentious and potentially destabilising issues of foreign policy concern for many states This book provides a comprehensive analysis of international law and organisations in the area of WMD proliferation It will serve both as a reference for understanding the law as it currently exists in its political and economic context as well as an analysis of areas in which amendments to existing law and organisations are needed

#### The Treaty Prohibiting Nuclear Weapons Jonathan L.

Black-Branch,2021-05-20 An examination of the Treaty on the Prohibition of Nuclear Weapons within the contemporary nuclear non proliferation and disarmament security architecture



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