



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

### **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK  
LEGAL

## **EDITORIAL TEAM**

### **Raju Narayana Swamy (IAS) Indian Administrative Service officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and

a professional diploma in Public Procurement from the World Bank.

### **Dr. R. K. Upadhyay**

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB, LLM degrees from Banaras Hindu University & PHD from university of Kota. He has successfully completed UGC sponsored M.R.P for the work in the Ares of the various prisoners reforms in the state of the Rajasthan.



## **Senior Editor**

### **Dr. Neha Mishra**



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; PH.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St. Louis, 2015.

### **Ms. Sumiti Ahuja**

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing PH.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



### **Dr. Navtika Singh Nautiyal**

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of Law, Forensic Justice and Policy Studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Inter-country adoption laws from Uttarakhand University, Dehradun' and LLM from Indian Law Institute, New Delhi.

### **Dr. Rinu Saraswat**



Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, PH.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

### **Dr. Nitesh Saraswat**

E.MBA, LL.M, PH.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University. More than 25 Publications in renowned National and International Journals and has authored a Text book on CR.P.C and Juvenile Delinquency law.



### **Subhrajit Chanda**



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); PH.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **THE NUCLEAR WEAPONS THREAT IN A FRAGMENTED WORLD ORDER: REASSESSING DETERRENCE, POWER POLITICS, AND THE FUTURE OF GLOBAL SECURITY**

AUTHORED BY - DEVESH KUMAR

## **ABSTRACT**

In the aftermath of World War II and the demonstrated destructive capacity of nuclear weapons, the term *Weapons of Mass Destruction* has been persistently used by nation-states as a strategic threat. The status of international nuclear law remains ambiguous to date. This study analyses the relationship between international nuclear law and international relations, focusing on how nuclear threats by state leaders shape the current fragmented global order. The methodology involves a comparative analysis of legal documents to identify the origins, characteristics, and complexities of the interaction between nuclear weapons, international nuclear law and international relations. The findings indicate that international nuclear law has developed mechanisms for peaceful governance but has also been exploited to destabilise international relations. The study concludes that the use of nuclear threats as tools of national security significantly affects global stability and the relations among states, and should be prevented through robust legal oversight.

Keywords: international law; International nuclear law; International Court of Justice; nuclear security; nuclear safety; nuclear liability; state responsibility; transboundary harm; weapons of mass destruction; jus in bello; jus ad bellum; international criminal law; international human rights law.

## **INTRODUCTION**

*I want to say something very important for those who may be tempted to interfere in these developments from the outside. No matter who tries to stand in our way or, even more so create threats for our country and our people, they must know that Russia will respond immediately and the consequences will be such as you have never seen in your entire history. Regardless of how the events unfold we are prepared. All the necessary decisions in this regard have been*

*taken, and I hope that my words will be heard.*<sup>1</sup> - Vladimir Putin on February 2022<sup>2</sup>

The 21st century has been characterised by significant scientific advancement and innovation, in which Nuclear energy has become a prominent global concern, particularly regarding regulation and its international legal frameworks.<sup>3</sup> The deployment of nuclear weapons in Nagasaki and Hiroshima demonstrated their catastrophic potential and significantly influenced global perceptions.<sup>4</sup> Despite this numerous states continue to maintain substantial nuclear arsenals and these challenges associated with nuclear weapons extend beyond humanitarian, political, and philosophical considerations.<sup>5</sup> Their irreversible effects on human health and the environment render effective humanitarian responses nearly unattainable, and in addition to this the continued existence of nuclear weapons undermines political stability and national security on a global scale<sup>6</sup> and the continued existence of nuclear weapons presents a substantial risk to human civilisation as their destructive capacity was demonstrated in Japan in 1945, and it does not end there because nuclear testing has persisted even during the Cold War which gave birth to nuclear terrorism.<sup>7</sup>

These weapons, which have the potential to end civilisation which continue to exist to date and the analysis indicates that political leaders may have strategic interests in retaining nuclear arsenals, thereby perpetuating the nuclear threat on a daily basis.<sup>8</sup> The existence of nuclear weapons poses an urgent and profound threat to humanitarian and environmental well-being and this issue was highlighted during a meeting on 2 March 2020,<sup>9</sup> where the International Committee of the Red Cross (ICRC)<sup>10</sup> and the International Federation of Red Cross and Red Crescent Societies (IFRC)<sup>11</sup> convened experts from various disciplines to address the

---

<sup>1</sup>“Address by the President of the Russian Federation.” *President of Russia*, 24 Feb. 2022, [en.kremlin.ru/events/president/news/67843](http://en.kremlin.ru/events/president/news/67843). Accessed 12 Aug. 2025.

<sup>2</sup> *Ibid.*

<sup>3</sup> Atadjanov, Rustam. “Nuclear weapons.” *International Conflict and Security Law*, 2022, pp. 337–365, [https://doi.org/10.1007/978-94-6265-515-7\\_15](https://doi.org/10.1007/978-94-6265-515-7_15).

<sup>4</sup> *Id.*, at page. 338

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Borrie, John, and Tim Caughley. *Viewing Nuclear Weapons through a Humanitarian Lens: Context and Implications*. United Nations, 2013.

<sup>8</sup> *Id.*, at page. 3

<sup>9</sup> “Humanitarian Impacts and Risks of Use of Nuclear Weapons.” *International Committee of the Red Cross*, 9 Jan. 2023, [www.icrc.org/en/document/humanitarian-impacts-and-risks-use-nuclear-weapons#\\_edn1](http://www.icrc.org/en/document/humanitarian-impacts-and-risks-use-nuclear-weapons#_edn1).

<sup>10</sup> “We Take Action, Not Sides.” *ICRC*, 12 Aug. 2025, [www.icrc.org/en](http://www.icrc.org/en).

<sup>11</sup> “IFRC.” *Homepage*, 8 Dec. 2025, [www.ifrc.org/](http://www.ifrc.org/).

challenges posed by nuclear weapons.<sup>12</sup> As we are already aware, that ICRC and the broader Red Cross and Red Crescent Movement have played a central role in efforts to mitigate the impact of nuclear weapons, from responding to the Hiroshima bombing and later contributing to the development of the Treaty on the Prohibition of Nuclear Weapons in July 2017.<sup>13</sup>

This paper examines these challenges by first defining nuclear weapons and introducing the field of international nuclear law.<sup>14</sup> It then reviews the principles of international legal frameworks governing nuclear weapons and analyses key judicial decisions, with particular emphasis on the 1996 advisory opinion of the United Nations International Court of Justice regarding the legality of the threat or use of nuclear weapons.<sup>15</sup> The paper further addresses legal principles and rules relevant to the use and testing of nuclear weapons under international law and the conclusion of this paper is that, despite arguments that nuclear weapons contribute to deterrence and global stability and their detrimental consequences substantially outweigh any purported security benefits associated with their possession by states.<sup>16</sup>

## **WHAT IS A NUCLEAR WEAPON AND HOW DOES INTERNATIONAL NUCLEAR LAW WORK?**

A nuclear weapon is an explosive device whose destructive force results from nuclear fission chain reactions or nuclear fusion reactions, or a combination of both.<sup>17</sup> Nuclear weapons that derive their force solely from fission are commonly referred to as atomic bombs while those that derive most of their energy from fusion reactions are termed as thermonuclear weapons or hydrogen bombs,<sup>18</sup> a thermonuclear weapon uses the heat and pressure generated by a fission bomb to initiate nuclear fusion reactions.<sup>19</sup> Thermonuclear weapons typically have a much higher explosive yield than fission weapons, usually in the range of megatons rather than kilotons. All thermonuclear weapons contain at least one fission stage, so they can generate at least as much nuclear fallout as fission-only weapons. A specific type of thermonuclear

---

<sup>12</sup> Schroeder, Linh. "The ICRC and the Red Cross and Red Crescent Movement: Working towards a nuclear-free world since 1945." *Journal for Peace and Nuclear Disarmament*, vol. 1, no. 1, 2 Jan. 2018, pp. 66–78, <https://doi.org/10.1080/25751654.2018.1450623>.

<sup>13</sup> Ibid.

<sup>14</sup> Supra, note. 1 at page. 339

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> *Nuclear Weapons under International Law: An Overview*, [www.geneva-academy.ch/joomlatools-files/docman-files/Nuclear Weapons Under International Law.pdf](http://www.geneva-academy.ch/joomlatools-files/docman-files/Nuclear%20Weapons%20Under%20International%20Law.pdf). Accessed 20 Aug. 2025.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

weapon, known as a neutron bomb, is engineered to produce a limited explosive yield while emitting significant neutron radiation. Neutron bombs are intended to cause substantial biological casualties, preserve most infrastructure, and minimise nuclear fallout, this is latest development.<sup>20</sup>

Nuclear weapons are distinct from other weapons of mass destruction in two principal respects. First, the energy and heat produced by a nuclear detonation greatly surpass those of comparably sized non-nuclear weapons, resulting in widespread destruction.<sup>21</sup> Second the nuclear detonations emit substantial quantities of radioactive material, which cause persistent health effects in exposed populations and render affected land unusable for a very long period.<sup>22</sup> The terms *nuclear law* and *atomic law* lack precise definitions in international law. These terms are often used interchangeably in academic and legal literature. International law establishes a framework that regulates the rights, duties, and responsibilities of states and intergovernmental organisations concerning nuclear arms control and the peaceful use of nuclear energy.<sup>23</sup>

The term nuclear refers to both energy production and weapons technology, and the key topics include nuclear weapons and arms control treaties, such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)<sup>24</sup> and the Comprehensive Nuclear-Test-Ban Treaty (CTBT).<sup>25</sup> Consequently, International Nuclear Law primarily addresses nuclear weapons, non-proliferation, and the peaceful application of nuclear technology.<sup>26</sup>

The International Atomic Energy Agency (IAEA),<sup>27</sup> established in 1957, defines International Nuclear Law as the body of specific legal norms regulating the conduct of legal or natural persons involved with fissionable materials, ionising radiation, and exposure to natural sources of radiation<sup>28</sup> as this legal framework is essential for supporting disarmament initiatives and

---

<sup>20</sup> Id, at page. 4

<sup>21</sup> Supra, note. 1 at page. 340

<sup>22</sup> Ibid.

<sup>23</sup> Panahi, L. Kazemi. "International Nuclear Law: The nature and complexities." *Вестник Пермского Университета. Юридические Науки*, no. 2(68), 2025, pp. 251–276, <https://doi.org/10.17072/1995-4190-2025-68-251-276>.

<sup>24</sup> Full Article: *Reconceptualising the Right of Self-Defence against 'Imminent' Armed Attacks*, [www.tandfonline.com/doi/full/10.1080/20531702.2022.2097618](http://www.tandfonline.com/doi/full/10.1080/20531702.2022.2097618). Accessed 3 Aug. 2025.

<sup>25</sup> "The Comprehensive Nuclear-Test-Ban Treaty (CTBT)." *CTBTO*, [www.ctbto.org/our-mission/the-treaty](http://www.ctbto.org/our-mission/the-treaty). Accessed 18 Aug. 2025.

<sup>26</sup> Id, at page. 252

<sup>27</sup> "Official Web Site of the IAEA." *International Atomic Energy Agency (IAEA)*, International Atomic Energy Agency (IAEA), 1 Aug. 2025, [www.iaea.org/](http://www.iaea.org/).

<sup>28</sup> Supra, note. Panahi, L. Kazemi. "International Nuclear Law:

related efforts because International nuclear law also plays a significant role in resolving disputes related to nuclear activities. It utilises legal frameworks, diplomatic initiatives, and enforcement mechanisms to address and manage international conflicts involving nuclear issues.<sup>29</sup>

The doctrinal status of international nuclear law is characterised by its function as a complex legal institution and this complexity is evident in the diverse norms and multiple sources that comprise the field, including international treaties, customary international law, and resolutions adopted by international organisations.<sup>30</sup> One scholarly perspective asserts that this legal framework specifically regulates nuclear activities and interacts with related legal domains, including energy law, environmental law, maritime law, and the law of the sea.<sup>31</sup> As Rafael Mariano Grossi,<sup>32</sup> Director General of the International Atomic Energy Agency (IAEA),<sup>33</sup> stated in his opening speech *‘That nuclear law encompasses both adherence to fundamental legal principles and adaptation to technological advancements, he noted that nuclear energy provides societal benefits but also introduces significant challenges requiring effective solutions.’*<sup>34</sup> In conclusion, this school of thought asserts that the core principle of the nuclear legal framework is to enable global access to the benefits of nuclear technology while minimising related risks.<sup>35</sup>

On the other hand, another school of thought suggests that International Nuclear Law should be treated as a stand-alone field of law which goes parallel to the other fundamental branches of law<sup>36</sup> essentially, this school asserts that international nuclear law is distinct from the broad spectrum of relations between states and other subjects of international law, encompassing the introduction and implementation of nuclear technology, the delineation of rights, protection, and guarantees, as well as dispute settlement procedures.<sup>37</sup> International nuclear law must not be treated as a mere subsidiary subject, but it must be given preference and adherence to the

---

<sup>29</sup> Ibid.

<sup>30</sup> Pletukhina, Inna, and International Atomic Energy Agency. “International Community to Forge Vision for Future of Nuclear Law at First-Ever IAEA Conference.” *Vision for Future of Nuclear Law at IAEA Conference*, IAEA, 10 June 2022, [www.iaea.org/newscenter/news/international-community-to-forge-vision-for-future-of-nuclear-law-at-first-ever-iaea-conference](http://www.iaea.org/newscenter/news/international-community-to-forge-vision-for-future-of-nuclear-law-at-first-ever-iaea-conference). Accessed 20 Aug. 2025.

<sup>31</sup> Ibid.

<sup>32</sup> “Rafael Mariano Grossi.” *IAEA*, 28 Nov. 2019, [www.iaea.org/about/rafael-grossi](http://www.iaea.org/about/rafael-grossi). Accessed 21 Aug. 2025.

<sup>33</sup> *Supra*, note. 27

<sup>34</sup> *Supra*, note. 30

<sup>35</sup> *Supra*, note. 23 at page. 260

<sup>36</sup> *Nuclear Law*, 2022, doi: 10.1007/978-94-6265-495-2.

<sup>37</sup> Ibid.

specialised legal domain to accelerate and expand the contribution of atomic energy to peace, health, and prosperity worldwide.<sup>38</sup>

The third school of thought conceptualises international nuclear law as a subfield of international environmental law proponents of this school argue that international nuclear law is essential for advancing the global sustainable development agenda as it significantly contributes to decarbonising the energy sector and at the same time it supports the achievement of all Sustainable Development Goals (SDGs),<sup>39</sup> including poverty eradication, food security, access to clean water, affordable energy, economic growth, and industrial innovation.<sup>40</sup> Technological advancements, including new processes and systems, can reduce costs, address safety concerns, and improve the accessibility and efficiency of nuclear energy.<sup>41</sup> These improvements enable nuclear energy to overcome traditional barriers and enter new markets by integrating uranium-as-a-service into the United Nations Framework Classification for Resources (UNFC)<sup>42</sup> and United Nations Resource Management System (UNRMS)<sup>43</sup> frameworks underscores the role of nuclear energy in sustainable development as the increasing demand for nuclear technology to address the climate crisis and achieve global sustainable development goals underscores the importance of national sovereignty in deciding whether to develop nuclear energy along with the responsibility to ensure its safe and secure use.<sup>44</sup>

Besides these divergent viewpoints, a broader debate questions the position of international nuclear law within the parameters of Public International law, as experts and scholars continually argue about how to situate this position within the realm of public international law.<sup>45</sup> There is no doubt that international law and domestic law both intersect with international nuclear law, as nuclear law transcends the traditional boundaries of public health, administrative law, and even constitutional law.<sup>46</sup> As the same time because of the multifaceted

---

<sup>38</sup> Ibid.

<sup>39</sup> "Sustainable Development Goals." *UNDP*, [www.undp.org/sustainable-development-goals](http://www.undp.org/sustainable-development-goals). Accessed 21 Aug. 2025.

<sup>40</sup> *UNECE*, [unece.org/sites/default/files/2021-03/UNFC & UNRMS NuclearEntryPathwaysRevised.pdf](http://unece.org/sites/default/files/2021-03/UNFC_%26amp%3B_UNRMS_NuclearEntryPathwaysRevised.pdf). Accessed 21 Aug. 2025.

<sup>41</sup> Ibid.

<sup>42</sup> *United Nations Framework Classification for Resources (UNFC)* | *Unece*, [unece.org/sustainable-energy/united-nations-framework-classification-resources-unfc](http://unece.org/sustainable-energy/united-nations-framework-classification-resources-unfc). Accessed 21 Aug. 2025.

<sup>43</sup> *United Nations Resource Management System (UNRMS)* | *Unece*, [unece.org/sustainable-energy/unfc-and-sustainable-resource-management/unrms](http://unece.org/sustainable-energy/unfc-and-sustainable-resource-management/unrms). Accessed 21 Aug. 2025.

<sup>44</sup> *Supra*, note. *UNECE*, [unece.org/sites/default/files/2021-03/UNFC & UNRMS NuclearEntryPathwaysRevised.pdf](http://unece.org/sites/default/files/2021-03/UNFC_%26amp%3B_UNRMS_NuclearEntryPathwaysRevised.pdf). Accessed 21 Aug. 2025.

<sup>45</sup> *Supra*, note. 23

<sup>46</sup> *Id.*, at page. 266

nature of nuclear law spanning through the different fields, it has led to the international nuclear law being recognised as a distinct field and a different domain altogether because it needs continuous evaluation to address the emerging issues, such as the increasing role of private actors, technological advancement and the emerging security threats and this dynamic nature requires its adaptation in the international framework.<sup>47</sup>

## **WHEN THE UNTHINKABLE BECOMES ROUTINE: THE NORMALISATION OF NUCLEAR THREATS**

Russia has underscored the existential threat of nuclear weapons by issuing multiple warnings regarding its willingness to deploy its nuclear arsenal in response to the conflict with Ukraine.<sup>48</sup> Since the advent of the nuclear age, nuclear-armed states have repeatedly issued threats to use these weapons and these threats have often been explicit and concrete,<sup>49</sup> as demonstrated by the USSR's threat to use nuclear weapons against Britain, France, and Israel during the 1956 Suez crisis and additionally, the United States and North Korea have engaged in provocative exchanges concerning the scale of their respective nuclear capabilities.<sup>50</sup>

This analysis examines promises, known as unilateral negative security assurances, made by certain nuclear-armed states not to threaten the use of nuclear weapons this outlines the scope of these assurances and evaluates whether they are considered binding under international law as unilateral declarations.<sup>51</sup> In June 2022, the first meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons (TPNW)<sup>52</sup> adopted a declaration in which parties expressed alarm and dismay at Russia's nuclear threats, emphasising that any use or threat of use of nuclear weapons constitutes a violation of international law.<sup>53</sup>

Under the Nuclear Non-Proliferation Treaty (NPT),<sup>54</sup> the term nuclear-weapon states refers to the five states permitted to have nuclear weapons are China, France, Russia, the United

---

<sup>47</sup> Ibid.

<sup>48</sup> Hood, Anna, and Monique Cormier. "Nuclear Threats under International Law Part I: The Legal Framework." *Journal for Peace and Nuclear Disarmament*, vol. 7, no. 1, 2 Jan. 2024, pp. 157–177, doi:10.1080/25751654.2024.2317489.

<sup>49</sup> Ibid.

<sup>50</sup> Id, at page. 158

<sup>51</sup> Ibid, at para. 2

<sup>52</sup> *Treaty on the Prohibition of Nuclear Weapons (TPNW)*, [www.nti.org/education-center/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/](http://www.nti.org/education-center/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/). Accessed 11 Sept. 2025.

<sup>53</sup> *Supra*, note. 48

<sup>54</sup> *Treaty on the Prohibition of Nuclear Weapons (TPNW)*, [www.nti.org/education-center/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/](http://www.nti.org/education-center/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/). Accessed 11 Sept. 2025.

Kingdom, and the United States and the term nuclear weapon-possessing states refers to the four states outside the NPT framework that have nuclear weapons<sup>55</sup> which are India, Israel, North Korea, and Pakistan and the phrase nuclear-armed states collectively refers to all nine states that have nuclear weapons.<sup>56</sup>

## **UNILATERAL NEGATIVE SECURITY ASSURANCES: SYMBOLIC COMMITMENTS LACKING STRATEGIC SUBSTANCE**

Since the advent of nuclear weapons, nuclear-armed states have issued a range of verbal and written declarations asserting that they will not use or threaten to use nuclear weapons against non-nuclear weapon states under specified conditions.<sup>57</sup> The scope and comprehensiveness of these unilateral negative security assurances vary significantly and debate persists regarding whether these assurances constitute legally binding commitments or merely political statements and while some states have provided qualified assurances, others have refrained from issuing any commitments regarding the non-use or non-threat of nuclear weapons.<sup>58</sup>

China and Pakistan have each issued comprehensive unilateral negative security assurances concerning the use of nuclear weapons in which China has consistently stated that it will not use or threaten to use nuclear weapons against non-nuclear weapon states,<sup>59</sup> reaffirming this position at the Nuclear Non-Proliferation Treaty (NPT) Review Conference.<sup>60</sup> Many non-nuclear weapon states expressed reluctance to indefinitely extend the treaty due to limited progress on nuclear disarmament under Article VI other we have Pakistan, in support of negative security assurances has called for a legally binding multilateral treaty prohibiting the use or threat of nuclear weapons against non-nuclear weapon states.<sup>61</sup> While international consensus has not been achieved Pakistan has publicly committed not to use or threaten to use nuclear weapons against states lacking such capabilities.<sup>62</sup>

Four states the United States, United Kingdom, India, and North Korea have issued qualified

---

<sup>55</sup> Ibid.

<sup>56</sup> Supra, note. 48 at page. 158, para. 3

<sup>57</sup> Id, at page. 159

<sup>58</sup> Ibid.

<sup>59</sup> Supra, note. 48 at page. 160

<sup>60</sup> "NPT Review Conferences." *IAEA*, 11 July 2014, [www.iaea.org/topics/npt-review-conferences](http://www.iaea.org/topics/npt-review-conferences). Accessed 14 Sept. 2025.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

negative security assurances regarding the use of nuclear weapons.<sup>63</sup> The United States has pledged not to use nuclear weapons against non-nuclear weapon states under certain conditions consistent with the NPT, but in 2022 revised this policy to permit a nuclear response to specific threats second United Kingdom has similarly committed not to use or threaten nuclear weapons against any non-nuclear weapon state party to the NPT, while reserving the right to reconsider this assurance in response to future threats involving weapons of mass destruction or emerging technologies.<sup>64</sup> India expressed a willingness to adopt negative security assurances in its 1999 draft nuclear doctrine the on the other hand North Korea, according to Article 5(2) of its 2022 law on nuclear forces,<sup>65</sup> declared it would not threaten or use nuclear weapons against non-nuclear weapon states unless those states participate in aggression or attacks against North Korea in cooperation with nuclear-armed states.<sup>66</sup>

## **LEGAL PROHIBITION ON THE THREAT OF NUCLEAR WEAPONS WITHIN NUCLEAR-WEAPON-FREE ZONE FRAMEWORKS**

Five principal treaties have established nuclear-weapon-free zones to address nuclear threats. These treaties are the Treaty of Tlatelolco<sup>67</sup> for Latin America and the Caribbean,<sup>68</sup> the Treaty of Rarotonga<sup>69</sup> for the South Pacific,<sup>70</sup> the Treaty of Bangkok<sup>71</sup> for Southeast Asia,<sup>72</sup> the Treaty of Pelindaba<sup>73</sup> for Africa,<sup>74</sup> and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia.<sup>75</sup> Each treaty seeks to prevent the proliferation and potential use of nuclear weapons within its designated region.<sup>76</sup> Together, these treaties cover about 60 per cent of the world's countries, demonstrating substantial international commitment to nuclear disarmament and although the

---

<sup>63</sup> Supra, note. 48 at page. 160, at para 2

<sup>64</sup> Ibid.

<sup>65</sup> "North Korea Passes Nuclear Law." *North Korea Passes Nuclear Law | Arms Control Association*, [www.armscontrol.org/act/2022-10/news/north-korea-passes-nuclear-law](http://www.armscontrol.org/act/2022-10/news/north-korea-passes-nuclear-law). Accessed 14 Sept. 2025.

<sup>66</sup> Supra, note. 48

<sup>67</sup> *Tlatelolco Treaty*, [www.nti.org/education-center/treaties-and-regimes/treaty-prohibition-nuclear-weapons-latin-america-and-caribbean-lanwzf-tlatelolco-treaty/](http://www.nti.org/education-center/treaties-and-regimes/treaty-prohibition-nuclear-weapons-latin-america-and-caribbean-lanwzf-tlatelolco-treaty/). Accessed 22 Sept. 2025.

<sup>68</sup> Ibid.

<sup>69</sup> *Treaty of Rarotonga*, [www.nti.org/education-center/treaties-and-regimes/south-pacific-nuclear-free-zone-spnwzf-treaty-rarotonga/](http://www.nti.org/education-center/treaties-and-regimes/south-pacific-nuclear-free-zone-spnwzf-treaty-rarotonga/). Accessed 22 Sept. 2025.

<sup>70</sup> Ibid.

<sup>71</sup> *Bangkok Treaty*, [www.nti.org/education-center/treaties-and-regimes/southeast-asian-nuclear-weapon-free-zone-seanwzf-treaty-bangkok-treaty/](http://www.nti.org/education-center/treaties-and-regimes/southeast-asian-nuclear-weapon-free-zone-seanwzf-treaty-bangkok-treaty/). Accessed 22 Sept. 2025.

<sup>72</sup> Ibid.

<sup>73</sup> *Pelindaba Treaty*, [www.nti.org/education-center/treaties-and-regimes/african-nuclear-weapon-free-zone-anwzf-treaty-pelindaba-treaty/](http://www.nti.org/education-center/treaties-and-regimes/african-nuclear-weapon-free-zone-anwzf-treaty-pelindaba-treaty/). Accessed 22 Sept. 2025.

<sup>74</sup> Ibid.

<sup>75</sup> *Central Asia Nuclear-Weapon-Free-Zone (CANWFZ)*, [www.nti.org/education-center/treaties-and-regimes/central-asia-nuclear-weapon-free-zone-canwzf/](http://www.nti.org/education-center/treaties-and-regimes/central-asia-nuclear-weapon-free-zone-canwzf/). Accessed 22 Sept. 2025.

<sup>76</sup> Supra, note. 48

treaties do not explicitly prohibit member states from issuing nuclear threats, they achieve this outcome by banning the possession, production, and acquisition of nuclear weapons.<sup>77</sup> The absence of nuclear arsenals among member states eliminates the credibility of nuclear threats, thereby functioning as an indirect deterrent to nuclear coercion.

Each nuclear-weapon-free zone has an agreement that the five countries with nuclear weapons can sign, which stops them from threatening to use nuclear weapons against the countries in the treaty and, sometimes, against anyone in the nuclear-weapon-free zone.<sup>78</sup> All five nuclear-weapon states have signed Protocol II of the Treaty of Tlatelolco.<sup>79</sup> No country has signed the protocol of the Bangkok Treaty, and China, France, Russia, and the United Kingdom have signed the agreements for the other three nuclear-weapon-free zone treaties and so, if a nuclear-weapon state broke its promises by threatening to use nuclear weapons, it would be doing something wrong under international law and could face legal action. Still, many gaps in these treaties need to be fixed.<sup>80</sup>

## CONCLUSION

This paper examines the foundations of international nuclear law, the development of nuclear weapons, and the mechanisms by which international nuclear law seeks to protect and maintain international relations. It analyses the roles of various agencies, such as the International Atomic Energy Agency (IAEA). The latter sections address the threat posed by nuclear weapons and the complexities surrounding their potential use. The analysis highlights how nations, under various treaties, provide security assurances that differ in scope and legal bindingness. Unilateral security assurances often include numerous caveats, and few are legally binding, resulting in inconsistent ratification by nuclear-weapon states. Furthermore, determining whether a nuclear threat falls within the self-defence exception to Article 2(4) of the United Nations Charter involves a complex assessment of necessity and proportionality. The applicable legal framework governing nuclear threats during armed conflicts remains ambiguous.

In conclusion, five major treaties have been established to create nuclear-weapon-free zones

---

<sup>77</sup> *Id.*, at page. 170

<sup>78</sup> *Ibid.*

<sup>79</sup> *Supra*, note. 67

<sup>80</sup> *Supra*, note. 48 at page. 171

and address the issue of nuclear threats. These include the Treaty of Tlatelolco, which establishes a nuclear-weapon-free zone in Latin America and the Caribbean; the Treaty of Rarotonga, which sets up such a zone in the South Pacific; the Treaty of Bangkok, which covers Southeast Asia; the Treaty of Pelindaba, which applies to Africa; and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia. Each of these treaties aims to prevent the spread and threat of nuclear weapons within its respective region. Collectively, these treaties encompass approximately 60% of the world's countries, reflecting a significant commitment to nuclear disarmament within the international community. While the treaties do not directly ban member states from making threats involving nuclear weapons, they effectively prevent such threats by prohibiting the possession, production, or acquisition of nuclear arms. Since a state cannot credibly threaten to use nuclear weapons if it does not possess them, these prohibitions serve as an indirect but powerful deterrent against nuclear intimidation.

## REFERENCES

1. “Address by the President of the Russian Federation.” *President of Russia*, 24 Feb. 2022, [en.kremlin.ru/events/president/news/67843](http://en.kremlin.ru/events/president/news/67843). Accessed 12 Aug. 2025.
2. Atadjanov, Rustam. “Nuclear weapons.” *International Conflict and Security Law*, 2022, pp. 337–365, [https://doi.org/10.1007/978-94-6265-515-7\\_15](https://doi.org/10.1007/978-94-6265-515-7_15).
3. Borrie, John, and Tim Caughley. *Viewing Nuclear Weapons through a Humanitarian Lens: Context and Implications*. United Nations, 2013.
4. “Humanitarian Impacts and Risks of Use of Nuclear Weapons.” *International Committee of the Red Cross*, 9 Jan. 2023, [www.icrc.org/en/document/humanitarian-impacts-and-risks-use-nuclear-weapons#\\_edn1](http://www.icrc.org/en/document/humanitarian-impacts-and-risks-use-nuclear-weapons#_edn1).
5. “We Take Action, Not Sides.” *ICRC*, 12 Aug. 2025, [www.icrc.org/en](http://www.icrc.org/en).
6. “IFRC.” *Homepage*, 8 Dec. 2025, [www.ifrc.org/](http://www.ifrc.org/).
7. Schroeder, Linh. “The ICRC and the Red Cross and Red Crescent Movement: Working towards a nuclear-free world since 1945.” *Journal for Peace and Nuclear Disarmament*, vol. 1, no. 1, 2 Jan. 2018, pp. 66–78, <https://doi.org/10.1080/25751654.2018.1450623>.
8. *Nuclear Weapons under International Law: An Overview*, [www.geneva-academy.ch/joomlatools-files/docman-files/Nuclear Weapons Under International Law.pdf](http://www.geneva-academy.ch/joomlatools-files/docman-files/Nuclear%20Weapons%20Under%20International%20Law.pdf). Accessed 20 Aug. 2025.

9. Panahi, L. Kazemi. "International Nuclear Law: The nature and complexities." *Вестник Пермского Университета. Юридические Науки*, no. 2(68), 2025, pp. 251–276, <https://doi.org/10.17072/1995-4190-2025-68-251-276>.
10. *Full Article: Reconceptualising the Right of Self-Defence against 'Imminent' Armed Attacks*, [www.tandfonline.com/doi/full/10.1080/20531702.2022.2097618](http://www.tandfonline.com/doi/full/10.1080/20531702.2022.2097618). Accessed 3 Aug. 2025.
11. "The Comprehensive Nuclear-Test-Ban Treaty (CTBT)." *CTBTO*, [www.ctbto.org/our-mission/the-treaty](http://www.ctbto.org/our-mission/the-treaty). Accessed 18 Aug. 2025.
12. "Official Web Site of the IAEA." *International Atomic Energy Agency (IAEA)*, International Atomic Energy Agency (IAEA), 1 Aug. 2025, [www.iaea.org/](http://www.iaea.org/).
13. Pletukhina, Inna, and International Atomic Energy Agency. "International Community to Forge Vision for Future of Nuclear Law at First-Ever IAEA Conference." *Vision for Future of Nuclear Law at IAEA Conference*,
14. IAEA, 10 June 2022, [www.iaea.org/newscenter/news/international-community-to-forge-vision-for-future-of-nuclear-law-at-first-ever-iaea-conference](http://www.iaea.org/newscenter/news/international-community-to-forge-vision-for-future-of-nuclear-law-at-first-ever-iaea-conference). Accessed 20 Aug. 2025.
15. "Rafael Mariano Grossi." *IAEA*, 28 Nov. 2019, [www.iaea.org/about/rafael-grossi](http://www.iaea.org/about/rafael-grossi). Accessed 21 Aug. 2025.
16. *Nuclear Law*, 2022, doi:10.1007/978-94-6265-495-2.
17. "Sustainable Development Goals." *UNDP*, [www.undp.org/sustainable-development-goals](http://www.undp.org/sustainable-development-goals). Accessed 21 Aug. 2025.
18. *UNECE*, [unece.org/sites/default/files/2021-03/UNFC](http://unece.org/sites/default/files/2021-03/UNFC) & UNRMS NuclearEntryPathwaysRevised.pdf. Accessed 21 Aug. 2025.
19. *United Nations Framework Classification for Resources (UNFC) | Unece*, [unece.org/sustainable-energy/united-nations-framework-classification-resources-unfc](http://unece.org/sustainable-energy/united-nations-framework-classification-resources-unfc). Accessed 21 Aug. 2025.
20. *United Nations Resource Management System (UNRMS) | Unece*, [unece.org/sustainable-energy/unfc-and-sustainable-resource-management/unrms](http://unece.org/sustainable-energy/unfc-and-sustainable-resource-management/unrms). Accessed 21 Aug. 2025.
21. Hood, Anna, and Monique Cormier. "Nuclear Threats under International Law Part I: The Legal Framework." *Journal for Peace and Nuclear Disarmament*, vol. 7, no. 1, 2 Jan. 2024, pp. 157–177, doi:10.1080/25751654.2024.2317489.

22. *Treaty on the Prohibition of Nuclear Weapons (TPNW)*, [www.nti.org/education-center/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/](http://www.nti.org/education-center/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/). Accessed 11 Sept. 2025.
23. *Treaty on the Prohibition of Nuclear Weapons (TPNW)*, [www.nti.org/education-center/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/](http://www.nti.org/education-center/treaties-and-regimes/treaty-on-the-prohibition-of-nuclear-weapons/). Accessed 11 Sept. 2025.
24. “NPT Review Conferences.” *IAEA*, 11 July 2014, [www.iaea.org/topics/npt-review-conferences](http://www.iaea.org/topics/npt-review-conferences). Accessed 14 Sept. 2025.
25. “North Korea Passes Nuclear Law.” *North Korea Passes Nuclear Law | Arms Control Association*, [www.armscontrol.org/act/2022-10/news/north-korea-passes-nuclear-law](http://www.armscontrol.org/act/2022-10/news/north-korea-passes-nuclear-law). Accessed 14 Sept. 2025.
26. *Tlatelolco Treaty*, [www.nti.org/education-center/treaties-and-regimes/treaty-prohibition-nuclear-weapons-latin-america-and-caribbean-lanwfz-tlatelolco-treaty/](http://www.nti.org/education-center/treaties-and-regimes/treaty-prohibition-nuclear-weapons-latin-america-and-caribbean-lanwfz-tlatelolco-treaty/). Accessed 22 Sept. 2025.
27. *Treaty of Rarotonga*, [www.nti.org/education-center/treaties-and-regimes/south-pacific-nuclear-free-zone-spnfz-treaty-rarotonga/](http://www.nti.org/education-center/treaties-and-regimes/south-pacific-nuclear-free-zone-spnfz-treaty-rarotonga/). Accessed 22 Sept. 2025.
28. *Bangkok Treaty*, [www.nti.org/education-center/treaties-and-regimes/southeast-asian-nuclear-weapon-free-zone-seanwfz-treaty-bangkok-treaty/](http://www.nti.org/education-center/treaties-and-regimes/southeast-asian-nuclear-weapon-free-zone-seanwfz-treaty-bangkok-treaty/). Accessed 22 Sept. 2025.
29. *Pelindaba Treaty*, [www.nti.org/education-center/treaties-and-regimes/african-nuclear-weapon-free-zone-anwfz-treaty-pelindaba-treaty/](http://www.nti.org/education-center/treaties-and-regimes/african-nuclear-weapon-free-zone-anwfz-treaty-pelindaba-treaty/). Accessed 22 Sept. 2025.
30. *Central Asia Nuclear-Weapon-Free-Zone (CANWFZ)*, [www.nti.org/education-center/treaties-and-regimes/central-asia-nuclear-weapon-free-zone-canwz/](http://www.nti.org/education-center/treaties-and-regimes/central-asia-nuclear-weapon-free-zone-canwz/). Accessed 22 Sept. 2025.