Why condemn threats to use nuclear weapons?

October 2022

Russia’s threats to use nuclear weapons have heightened tensions, reduced the threshold for use of nuclear weapons, and greatly increased the risk of nuclear conflict and global catastrophe.

This risk is further heightened by responses from other governments that imply possible retaliation with nuclear weapons, and by commentary and analysis examining scenarios in which nuclear weapons might be used in the Ukraine conflict, and evaluating the consequent military implications.

These developments are normalising the idea of using nuclear weapons and eroding the decades-old taboo against their use.

It is therefore vital that the international community consistently and categorically condemn any and all threats to use nuclear weapons. Consistent and unequivocal condemnation from governments and civil society can stigmatise and delegitimise nuclear threats, help restore and strengthen the norm against the use of nuclear weapons, and reinforce disarmament and non-proliferation efforts.

Delegitimization is effective

Condemnation of threats is not just empty rhetoric: delegitimization works. It has been shown to influence the behaviour of nuclear-armed states. Like nearly all states, nuclear-armed states attach significant value to maintaining legitimacy in the eyes of the wider international community. Loss of legitimacy can mean loss of international political support, making pursuit of national interests more difficult, and in serious cases leading to isolation, ostracism, sanctions and significant economic consequences – which in turn might lead to domestic instability and unrest.

So when pursuing their national aims – however selfishly, cynically or aggressively – nuclear-armed states all make serious efforts to justify their actions under international law and portray them as normal, accepted practice that follows established precedents. For example, all five of the NPT nuclear-weapon states claim to be complying fully with the disarmament obligations of the treaty, and with international humanitarian law. Russia was at pains to use provisions of the UN Charter to justify its invasion of Ukraine. Even non-binding resolutions of the UN General Assembly are treated very seriously: both Russia and the United States have expended enormous energy on gathering votes for recent resolutions on the conflict in Ukraine.
This means that they are sensitive to criticism that could result in a loss of legitimacy and international support. For example, Russia has reacted to widespread criticism of its nuclear threats in connection with the Ukraine conflict both by walking back the threats (clarifying that any use of nuclear weapons would be in accordance with Russia’s stated nuclear doctrine) and by attempting to justify its actions as being in line with accepted international practices – including, bizarrely, by citing the US nuclear bombing of Hiroshima as a “precedent”. Russia also responded strongly and at length to the declaration adopted by the first meeting of states parties to the TPNW which unequivocally condemned “any and all nuclear threats”, even though the declaration did not name Russia or specify any particular threat.

And not only did international criticism of Russia’s most recent nuclear threats prompt the Russian government to clarify its position and stress that it has not changed its nuclear doctrine, responses from Western nuclear-armed states – such as the US describing nuclear threats as “irresponsible” and the Secretary-General of NATO stating that “Any use of nuclear weapons is absolutely unacceptable, it will totally change the nature of the conflict” – have amplified and generalised the delegitimization effect.

It is worth noting that much of the nuclear-armed states’ opposition to the TPNW – both before its negotiation and afterwards – has been explicitly (and correctly!) based on the fear that the treaty would have the effect of delegitimizing nuclear weapons and nuclear deterrence. The United States warned its NATO allies in 2016 not to support the negotiation of a ban treaty because the treaty would aim to “delegitimize the concept of nuclear deterrence upon which many U.S. allies and partners depend”. A NATO statement issued as the TPNW was about to enter into force said that NATO members “reject any attempt to delegitimise nuclear deterrence”

Delegitimization also works through non-governmental channels. There is a long record of pressure from consumers and civil society affecting the behaviour of corporations, and many of these approaches also apply to nuclear weapons. As public stigma against nuclear weapons grows, corporate involvement in nuclear weapons becomes more commercially risky. ICAN has already made substantial progress in persuading banks, pension funds and other financial institutions to divest from corporations involved in producing and maintaining nuclear weapons. The entry into force of the TPNW, rendering nuclear weapons illegal under international law – like biological and chemical weapons, antipersonnel landmines and cluster munitions – has added significant leverage to this effort.

**Delegitimization in practice**

The key elements for successfully delegitimizing threats to use nuclear weapons are:

1. **Focusing on what would actually happen if the threat were to be carried out**
   - Any use of nuclear weapons would have wide-ranging and catastrophic humanitarian consequences [especially in densely populated regions].

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• These consequences mean that threats to use nuclear weapons cannot and must not be discussed purely in terms of geopolitics and military strategy and tactics.

• Even so-called “tactical” nuclear weapons, of the kind that some speculate Russia might use in the Ukraine conflict, typically have explosive yields in the range of 10 to 100 kilotons. In comparison, the atomic bomb that destroyed Hiroshima in 1945, killing 140,000 people, had a yield of just 15 kilotons.

• A single nuclear detonation would likely kill hundreds of thousands of civilians and injure many more; radioactive fallout could contaminate large areas across multiple countries.

• There can be no effective humanitarian response following the use of a nuclear weapon. Medical and emergency response capacities would be immediately overwhelmed, exacerbating the already massive number of casualties.

• Widespread panic would trigger mass movements of people and severe economic disruption.

• Multiple detonations would of course be much worse.

2. Emphasising that nuclear threats affect all states, not just the target(s) of the threat

• Given the wide-ranging and catastrophic impact of any use of nuclear weapons, a nuclear threat against one country is a threat against all countries.

• This is not just about Russia and Ukraine. Nuclear threats are not just a matter for the adversaries concerned, or for nearby countries. Like climate change and pandemic disease, the terrible risks posed by nuclear weapons constitute a global problem and require a global response.

• It is therefore in the interest of all states – and the responsibility of all states – to confront and condemn threats to use nuclear weapons and to take action to reinforce the norm against their use.

3. Invoking international law and highlighting commitments made by the state issuing the threat

• Any threat to use nuclear weapons is a violation of international law, including the Charter of the United Nations. The Treaty on the Prohibition of Nuclear Weapons also explicitly prohibits threats to use nuclear weapons.

• Any use of nuclear weapons would almost certainly violate international humanitarian law.
• Russia’s threats to use nuclear weapons in Ukraine are incompatible with its stated nuclear doctrine, its commitments under the Budapest Memorandum, its statement in January 2022 with the other NPT nuclear-weapon states that “a nuclear war cannot be won and must never be fought”, and commitments agreed by review conferences of the Nuclear Non-proliferation Treaty.

4. Clearly and categorically condemning any and all threats to use nuclear weapons

• Any and all threats to use nuclear weapons are unacceptable, whether they are implicit or explicit and regardless of the circumstances.

• All nuclear threats are irresponsible, regardless of which country makes them and why. There are no “responsible” nuclear threats.

• At their first meeting in June, the states parties to the TPNW unequivocally condemned “any and all nuclear threats, whether they be explicit or implicit and irrespective of the circumstances”.

• Other states should issue similar condemnations.