



The inadmissibility of nuclear threats within the NPT regime

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There are measures NPT States Parties can take individually, in like-minded groups or collectively, to address nuclear threats. In this current NPT Review Cycle these measures would help to strengthen the NPT and the nuclear taboo:

1. Reaffirm the statement from the 200 RevCon Final Document and the 2010 Action Plan that the “total elimination of nuclear weapons” constitutes the “only absolute guarantee against the use or threat of use of nuclear weapons.”¹
2. Establish a common understanding and definition of a ‘nuclear threat’ amongst all NPT member states. This could build on the ICJ’s existing definition and offer a consensus on whether it is possible to objectively distinguish between varieties of ‘nuclear threats’, including whether a legitimate and objective distinction between ‘offensive’ and ‘defensive’ nuclear threats exists, and if so, how it could be defined on a consensus basis amongst all parties. The UN General Assembly could also explore the possibility of submitting a renewed inquiry to the ICJ for an Advisory Opinion on the question of the legality of nuclear threats, given developments in the years since the 1996 Advisory Opinion.
3. Reaffirm that strengthening negative security assurances and NWFZs are necessary interim steps towards a world without nuclear weapons.
4. Reiterate the importance of the nuclear taboo and the principle of non-use of force. This could take place through the NPT and the UN General Assembly, the added value of the latter being that non-NPT weapons states could join.
5. Reiterate the G20 statement that the “use or threat of use of nuclear weapons is inadmissible”² in the NPT RevCon Final Documents. In addition, States could also follow up the 2014 UNGA Resolution on a ‘Convention on the Prohibition of the Use of Nuclear Weapons’, with a new resolution on the inadmissibility of threats of nuclear weapons use. This would strengthen the nuclear taboo.
6. Secure commitments by the P5 to increase transparency about nuclear capabilities; pursue dialogue and cooperation to enhance stability; bolster existing formats for discussion and risk reduction measures; decrease nuclear threats; and reiterate their commitment to deliver on commitments under Article VI.

1. Final Document of the 2000 NPT Review Conference, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/GENERAL-DOCS/2000FD.pdf>.

2. G20 Bali Leaders’ Declaration”, November 16, 2022, https://www.g20.org/content/dam/gtwenty/gtwenty_new/document/G20%20Bali%20Leaders'%20Declaration.pdf.

This is part of the ELN's project **Protecting the Non-Proliferation Treaty**. The project seeks to preserve the multilateral nuclear non-proliferation regime and prevent further erosion of the nuclear taboo and the Nuclear Non-proliferation Treaty (NPT). Bringing together an intergenerational, pan-regional Network of experts, it works to identify pathways to success in the eleventh review cycle, taking a holistic approach to the NPT and its three pillars. We are grateful for comments and feedback from several NPT member state officials on drafts of this paper.

For more information on the project please go to www.europeanleadershipnetwork.org/protecting-the-non-proliferation-treaty.

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