

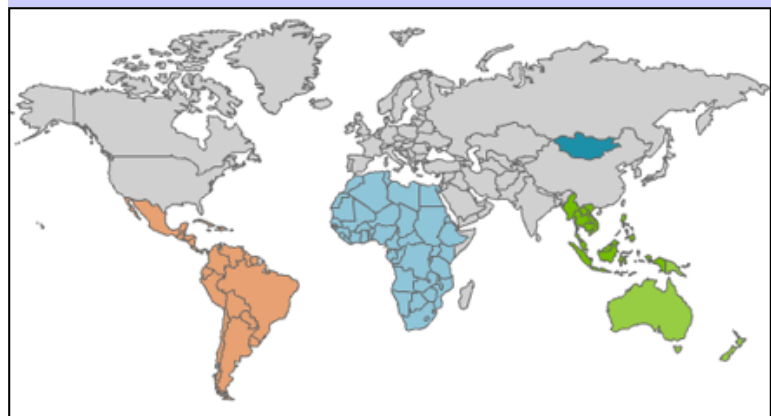
... nuclear disarmament, not help any other ... assist other countries in developing nuclear ... nuclear power reactors. In return the non-nuclear ... nuclear weapons and to also work towards nuclear ... states. At the 2000 NPT Review Conference Britain ... by the nuclear weapon states to accomplish the total ... leading to nuclear disarmament”.

Test Ban Treaty (CTBT)

... negotiated in 1996. Britain ratified the treaty in 1998. It prohibits any ... tests but testing nuclear warhead components is still permitted. The ... states have developed extensive scientific facilities to simulate nuclear ... presence of physical testing.

Weapon free zones (NWFZ).

... five NWFZ covering Africa, Latin ... South-East Asia, the South Pacific ... Central Asia. Mongolia has also formally ... itself a NWFZ. Britain has ratified ... to the zones in Africa, Latin ... America and the South Pacific. In doing to ... Britain agrees not to deploy or use or ... threaten to use nuclear weapons in these ... geographic areas. Agreement has yet to be ... reached on a protocol to the 1996 treaty ... covering South-East Asia and the 2007 ... treaty covering Central Asia.



Nuclear weapon-free zones (does not show Central Asian NWFZ) Source: International Panel on Fissile Materials website

► **Negative Security Assurances (NSAs).**

In 1978 and again in 1995 Britain and the other nuclear weapon states issued a 'negative security assurance' to non-nuclear weapon states. This says that Britain "will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State". This assurance does not apply to states that are in 'material breach' of their own non-proliferation obligations under the NPT.

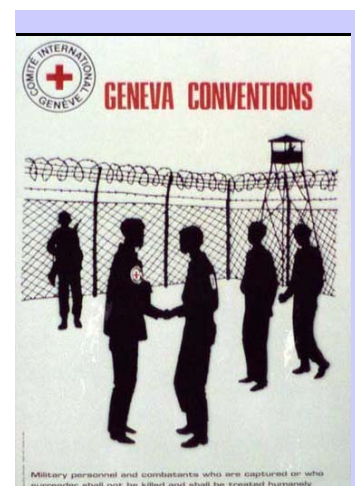
► **1996 International Court of Justice Advisory Opinion.**

Article 51 of the United Nations Charter permits the use of force for individual or collective self-defence.

In 1996 the ICJ issued an Advisory Opinion on the "Legality of the Threat or Use of Nuclear Weapons". The Court stated that the rules of humanitarian law applicable in armed conflict are fundamental and constitute intransgressible principles of international customary law. Customary international law states that use of force must comply with the requirements of the law applicable in armed conflict, in particular the principles and rules of humanitarian law. The ICJ has confirmed that it is a well-established rule of customary international law that a use of force in self-defence must be proportional to the armed attack and necessary to respond to it.

The Court concluded that "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" but it could not "conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake".

The British government accepted this Opinion and does not dispute that intentional humanitarian law applies to nuclear weapons. The 1949 Geneva Conventions and their 1977 Additional Protocol form the core of intentional humanitarian law and have been ratified by the UK. It has repeatedly stated that it would only consider use of nuclear weapons in "extreme circumstances of self-defence". Use of nuclear weapons would therefore only be legal if their use constituted a proportionate response to aggressive actions, was a necessary response to an attack discriminated between combatants and non-combatants and did not cause unnecessary suffering.



Geneva Convention poster.
Source: Library of Congress