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The inadmissibility of nuclear threats –norm or empty promise?

In 1996, the International Court of Justice was unable to “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”. This highly nuanced legal (non-)condemnation of nuclear threats came after decades of the Cold War, which was characterised by nuclear threats, but also decades of efforts to stigmatise nuclear weapons in general and nuclear threats in particular. The latter culminated, for example, in Article 1(d) of the Treaty on the Prohibition of Nuclear Weapons, which prohibits signatories from threatening to use nuclear weapons. Nevertheless, over the past decade, we’ve seen a normalisation of escalatory nuclear rhetoric through the rise of populism and authoritarian emboldenment. A universal norm against nuclear threats has yet to manifest, and nuclear armed states have been the persistent objectors.

In November 2002, however, the G20 Bali Declaration of November declared the use or threat of use of nuclear weapons “inadmissible”. What is striking about this declaration is that there was no disagreement on this language, even though the group includes six nuclear armed states, their allies and partner countries that base (part of) their security strategies on nuclear deterrence. The credible threat to use nuclear weapons is integral for nuclear deterrence as practised by nine nuclear armed states. It’s also noteworthy that one member (Russia) has recently been heavily and widely criticised for its thinly veiled nuclear threats in the context of its war of aggression against Ukraine.

Does this indicate a strengthening norm against nuclear threats? And what implications does this have for deterrence and progress towards nuclear disarmament? This paper aims to examine the emergence and strength of the norm against nuclear threats through historical discourse analysis and process tracing.

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Political Science

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Yes

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