Nuclear weapons, together with biological [1] and chemical weapons [2], are all categorized as weapons of mass destruction (as opposed to conventional weapons [3]).

The term “nuclear weapons” is generally applied to the atomic bomb (A-bomb, whose effect depends on the rapid fission of the uranium or plutonium atom), the hydrogen or thermonuclear bomb (H-bomb, which uses the energy released by the fission of hydrogen isotopes at a very high temperature) and the neutron bomb (N-bomb, which causes minor material damage than the other two bombs, but whose radiation effects are more lethal).

There is no comprehensive prohibition of nuclear weapons, but only partial prohibitions, as follows:

a. the prohibition to test, use, manufacture, produce, acquire, receive, stockpile, install, locate and possess nuclear weapons in a stated region

- Latin America: Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), Mexico, 14 February 1967

b. the prohibition to place nuclear weapons and other weapons of mass destruction on the bottom of the seas and oceans and in their subsoil

- Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil
thereof, London, Moscow and Washington, 10 April 1971

c. the prohibition to place in orbit around the earth and other celestial bodies devices carrying nuclear weapons or to place them on the surface or in the subsoil of the moon or other celestial bodies

• Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, London, Moscow and Washington, 27 January 1967

• Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, UN General Assembly, Resolution 34/68, 5 December 1979

On 8 July 1996, the International Court of Justice issued an Advisory Opinion concerning the legality of nuclear weapons. The Court noted the absence of a conventional prohibition on the use of nuclear weapons, but opined that the use of nuclear weapons must comply with the rules and principles of IHL, including the principle of distinction, proportionality and the prohibition of superfluous injury and unnecessary suffering.

The ICJ has faced criticism for its ambiguous conclusions that “the threat or use of nuclear weapons would generally be contrary to the rules and principles of international law applicable in armed conflict, and in particular the principles of international humanitarian law,” while at the same time claiming that it could not “conclude definitively whether the threat of 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.”

See Means of warfare; Weapons; Conventional weapons; Conduct of hostilities; Fundamental principles of IHL;

OUTLINE

Chapter 9, III. 2. g) nuclear weapons
### DOCUMENTS

- France, Accession to Protocol I (Part B., Para. 2) \[15\]
- ICRC, Bringing the era of nuclear weapons to an end \[16\]

### CASES

- ICJ, Nuclear Weapons Advisory Opinion \[17\] (Paras. 84-86, 95 \[18\], and 105 \[19\])
- United Kingdom, Interpreting the Act of Implementation \[20\]
- Iran, Victim of Cyber warfare \[21\]
- ICRC, International Humanitarian Law and the challenges of contemporary armed conflicts in 2015 \[22\] (Paras. 286 \[23\], 290 \[24\], 298-299 \[25\])

### BIBLIOGRAPHIC RESOURCES

**Suggested reading:**


“Special Issue: The Advisory Opinion of the International Court of Justice on the Legality of Nuclear Weapons and International Humanitarian Law”, in *IRRC*, No. 316, February 1997, p. 3 ff (articles of CONDORELLI Luigi, DAVID Éric, DOSWALDBECK Louise and GREENWOOD Christopher).

**Further reading:**


**Source URL:** https://casebook.icrc.org/glossary/nuclear-weapons

**Links**

[1] https://casebook.icrc.org/glossary/biological-or-bacteriological-weapons
[12] https://casebook.icrc.org/glossary/conduct-hostilities
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