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RENEWING THE AGENDA FOR PEACE: MOBILIZING THE MULTILATERAL SYSTEM TO PREVENT NUCLEAR RISKS* ∞

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"Arms control frameworks and crisis management arrangements that helped stabilize great power rivalries and prevent another world war have eroded. Their deterioration, at the global as well as the regional level, has increased the possibility of dangerous standoffs, miscalculations and spirals of escalation. Nuclear conflict is once again part of the public discourse.

Antonio Guterres, United Nations Secretary General:
A New Agenda for Peace

ABSTRACT

The Russian invasion of Ukraine has brought back the spectre of nuclear war. A sustained nuclear "sabre-rattling" from Russian authorities has triggered a dynamic debate about the Russian nuclear doctrine, the feasibility of use of "tactical" nuclear warheads in the Ukrainian battle theatre, the alleged consequences of such use, including escalation to a wider nuclear exchange with the United States and NATO, and the impact of such developments in global peace and security. The alarming prospect of nuclear devastation requires a bold political response from all peace-loving nations, particularly those from the South, cooperating with United Nations members coalescing around the Treaty on the Prohibition of Nuclear Weapons (TPNW) and, more widely, in like-minded coalitions galvanized by the humanitarian consequences of nuclear detonations. The Latin American and Caribbean region, and Chile in particular, have a special responsibility to deploy their diplomatic capabilities, inter alia, by supporting the Secretary General's "New agenda for peace", and mobilising the normative and operational powers of the General Assembly.

Key words: *tactical nuclear weapons; nuclear deterrence; escalation; TPNW; New Agenda for Peace.*

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RENOVANDO LA AGENDA PARA LA PAZ: MOVILIZANDO EL SISTEMA MULTILATERAL PARA PREVENIR LOS RIESGOS NUCLEARES

RESUMEN

La invasión rusa de Ucrania ha traído de vuelta el fantasma de la guerra nuclear. Un sostenido “ruido de sables” nuclear por parte de las autoridades rusas ha desencadenado un debate dinámico sobre la doctrina nuclear rusa, la viabilidad del uso de ojivas nucleares “tácticas” en el teatro de batalla ucraniano, las supuestas consecuencias de dicho uso, incluido el escalamiento a un intercambio nuclear más amplio con los Estados Unidos y la OTAN, y el impacto que tales desarrollos podrían tener sobre la paz y la seguridad internacional. La alarmante perspectiva de un holocausto nuclear requiere una respuesta política decidida de todas las naciones pacíficas, en particular las del Sur, cooperando con los Estados miembros de las Naciones Unidas que son parte en el Tratado para la Prohibición de las Armas Nucleares (TPAN) y, más ampliamente, en coaliciones “like-minded”, conscientes de las consecuencias humanitarias del uso de armas nucleares. América Latina y el Caribe, y Chile en particular, tienen una responsabilidad especial para desplegar sus capacidades diplomáticas, entre otras cosas, apoyando la “Nueva agenda para la paz” del Secretario General y movilizando las competencias políticas, normativas y operacionales de la Asamblea General.

Palabras clave: Armas nucleares tácticas; disuasión nuclear; escalada; TPAN; Nueva Agenda para la Paz.

RENOVANDO A AGENDA PARA A PAZ: MOBILIZANDO O SISTEMA MULTILATERAL PARA PREVENIR RISCOS NUCLEARES

RESUMO

A invasão da Ucrânia pela Rússia trouxe de volta o espectro da guerra nuclear. O “abalro” nuclear sustentado pelas autoridades russas desencadeou um debate dinâmico sobre a doutrina nuclear russa, a viabilidade do uso de ogivas nucleares “táticas” no teatro de batalha ucraniano, as supostas consequências de tal uso, incluindo a escalada para um intercâmbio nuclear mais amplo com os Estados Unidos e a Otan, e o impacto que tais desenvolvimentos podem ter na paz e na segurança internacionais. A perspectiva alarmante de um holocausto nuclear exige uma resposta política decidida de todas as nações pacíficas, particularmente as do Sul, cooperando com os Estados-Membros das Nações Unidas que são partes no Tratado de Proibição de Armas Nucleares (TPNW) e, mais amplamente, em coalizões “like-minded”,

conscientes das consequências humanitárias do uso de armas nucleares. A América Latina e o Caribe, e o Chile em particular, têm a responsabilidade especial de implantar suas capacidades diplomáticas, inclusive apoiando a “Nova Agenda para a Paz” do Secretário-Geral e mobilizando as competências políticas, normativas e operacionais da Assembleia Geral.

Palavras-chave: *Armas nucleares táticas; dissuasão nuclear; escalada; TPNW; Nova Agenda para a Paz.*

INTRODUCTION

The Russian invasion of Ukraine in february 2022 was underpinned from the beginning by a reiterated ‘nuclear sabre-rattling’, by which the Kremlin vied to prevent any NATO (or West) interference with its ‘special military operation’. It was a successful recourse to nuclear deterrence, achieving tangible strategic results: while multiplying their political and material support to Kyiv, NATO and the European Union have carefully avoided any step leading to a direct intervention in the conflict or providing Ukraine with strategic capabilities allowing it to hit targets deep in Russian territory. In spite of this immediate success, the blatant disregard of the ‘nuclear taboo’ –**and** Article 2, number 4 the United Nations Charter– have brought to the fore, again, the existential risk posed to humanity by the existence of nuclear weapons and the dire humanitarian consequences involved in **any** offensive use.

Vague references to possible use of so-called ‘tactical’ or ‘theatre’ nuclear weapons by Russia, triggered a lively debate on scenarios for their launching, the expected political and military advantages and the limitations of their impact in the front, plus the potential for escalation to a wider nuclear exchange with the United States and its nuclear allies. Such debates included a renewed appraisal of the dire humanitarian consequences of what would in fact be the only use of a nuclear device since august 1945. And a threat of use of nuclear weapons is, in a way, a **use** of them¹.

In this gloomy political atmosphere, the multilateral system continued discharging its agenda, including the Tenth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the First Meeting of the States Parties to the Treaty on the Prohibition of Nuclear Weapons (TPNW): the first ended in failure, unable to adopt a consensus final document while the second provided renewed hope to those advocating for perseverance in the efforts leading to a world without nuclear weapons.

At a different scale the UN Group of Governmental Experts on Nuclear Disarmament Verification Issues completed its work in may, 2023 with a consensus report (not a minor achievement given the global circumstances) but, even more importantly, the UN Secretary

1 Article 2 Nº 4 oof the United Nations Charter conflates both threat of use and use of force under the same prohibition: *All (UN) Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.* The Charter in this way proscribes war as a legitimate instrument of foreign policy.

General embarked in a consultation/discussion process leading to the launching of a “New Agenda for Peace” including a ‘new vision for disarmament’.

Such a process has the potential to galvanize the multilateral response to the reemergence of nuclear risks. The so-called Global South should actively engage in its implementation.

THE RETURN OF THE DANGER OF NUCLEAR-WEAPONS USE: RUSSIA

The Russian aggression against Ukraine brought war back to Europe in a scale not seen since World War II. The magnitude of the military operations and the strategic odds involved –no less than the obliteration of a sovereign state universally recognized, a member of the United Nations– was accompanied by Moscow’s veiled but unmistakable threats to use nuclear weapons in case of interference with its euphemistically designated “special military operation”. Vladimir Putin’s words were invested with menacing, even bombastic overtones: *whoever would try to stop us, and furthermore, create threats to our country, our people, should know that Russia’s response will be immediate and lead you to such consequences as you have never faced in your history. We are ready for any situation that arises. All necessary decisions in this regard have been made...* Later, on february 27, 2022 the Kremlin announced that Russian deterrence forces had been put in a *special regime of combat duty*². In april 2022, following the failure of his offensive against Kyiv Mr. Putin insisted in the possibility of use of nuclear weapons *if necessary*. And after the successful Ukrainian counteroffensives in the autumn, he further added that in case of a threat against Russian territorial integrity *we will certainly make use of all weapon systems available to us. This is not a bluff*³. On march 2023, President Putin announced the deployment of tactical nuclear weapons on the territory of Belarus, thus expanding the geographical theatre.

These threats –echoed by high officials in the Russian government, including former president Dmitri Medvedev, current vice-chair of the National Security Council– have been denounced as “nuclear sabre-rattling” in the context of nuclear deterrence, Moscow’s objective being to deter NATO from entering the conflict or providing the Ukraine with long-range or very advanced weapon systems (reaching targets deep into Russian territory)

Russia’s nuclear signalling appears to have been mainly intended to deter the United States and NATO from intervening directly with military forces in

2 ARMS CONTROL ASSOCIATION. “Putin orders Russian nuclear weapons on high alert”. March 2022 [Putin Orders Russian Nuclear Weapons on Higher Alert | Arms Control Association](#)

3 KREPINEVICH JR., Andrew F. “Is Putin a rational actor? How and why the Kremlin might use the bomb”, Foreign Affairs, november 22, 2022 [Is Putin a Rational Actor? How and Why the Kremlin Might Use Nuclear Weapons \(foreignaffairs.com\)](#) This article contains an important analysis on the assumed rationality of leaders (focusing of course on President Putin). *Many western leaders think that Putin’s recurring cries of “nuclear wolf” mean he is bluffing. His tough talk seeks to sow doubt and fear in the minds of its adversaries, they suggest, but he would never actually detonate a bomb. In other words, they insist that Putin is too rational to risk the potential catastrophe of nuclear war. But that is an assumption the West cannot afford to make. (...) U.S. President Joe Biden is taking the Kremlin’s pronouncements seriously, asserting in October (2022) that for the first time since the 1962 Cuban missile crisis, there is now a “direct threat” of nuclear war. Putin, according to (Biden), is “not joking”. (...) unlike political leaders in democracies, a prospective dictator who fails to seize power does not end up in the loyal opposition but often faces imprisonment and or even death. Successful tyrants are therefore individuals who have an unusually high tolerance for taking risks.*

Ukraine to prevent a wider war. However, this has triggered widespread international fears about the extent to which this invasion could have significant implications for the global nuclear order. In the words of UN Secretary-General Antonio Guterres, “the prospect of nuclear conflict, once unthinkable, is now back within the realm of possibility”⁴.

According to several sources, this deterrence succeeded. But the West’s nuclear arsenals have also limited the scope and reach of Russian aggression:

(...) nuclear weapons in the war in Ukraine are not remarkable in their absence, but rather in how they frame the conflict. By deterring the greater intervention of NATO, the Russian nuclear arsenal has helped prolong the war and make any conventional resolution to the fighting more difficult to attain. The conflict in Ukraine is no doubt the most dangerous nuclear confrontation since the 1962 Cuban missile crisis. As the past year of carnage and bluster has shown, nuclear weapons wield devastating power even as they remain locked in their silos (...). In the context of the Ukraine war, nuclear weapons have mostly benefited Russia. Putin has invoked his nuclear might to deter NATO from any military intervention on Ukraine’s behalf. That deterrence has worked: the West is (rationally) unwilling to enter the war directly or even to give Ukraine long-range firepower that could reach far into Russia, for fear that such help could end up sparking an apocalyptic nuclear conflict⁵.

(...) To be sure, the nuclear weapons in the arsenals of several NATO member states presumably have deterred Russia from expanding the war to NATO countries, such as Poland, Romania, or the Baltic states. In this regard, nuclear deterrence has clearly helped prevent a wider war⁶. (Our underlining).

But Russian deterrence success has been only partial: the continued Russian operational setbacks and the unexpected exploits of the Ukrainian forces along 2022 reaffirmed the West’s support for Kyiv, manifested in a sustained flow of military and financial assistance, with the provision of a vast array of increasingly high-tech weapon systems, including air defence missile systems, medium range artillery rockets and missiles, armoured vehicles, self-propelled howitzers and battle-tanks, plus ever growing numbers of artillery ammunition, missiles and rockets. At the moment of this writing, Ukrainian crews are being trained to pilot F-16 fighters transferred by NATO members. These proven multirole aircrafts are expected to tilt the balance yet again in Ukrainian advantage in the coming months.

The spectre of nuclear use generated a flurry of analysis on non-strategic or “tactical” nuclear warheads and their likely impact in military operations, on the presumed Russian doctrine governing their use and the risks of escalation into a wider nuclear confrontation

4 KRISTENSEN, Hans M., KORDA, Matt, & REYNOLDS, Eliana: “Russian nuclear weapons, 2023”, Bulletin of the Atomic Scientists, Routledge, 8 may, 2023. [Russian nuclear weapons, 2023 \(tandfonline.com\)](https://www.tandfonline.com)

5 TANNENWALD, Nina. “The bomb in the background”, Foreign Affairs, february 24, 2023. On the subject of deterrence, I refer the readers to the analysis of the matter in my previous article in LABBÉ, Alfredo: “The nuclear order under stress”, Política y Estrategia Nº 139, 2022, pp. 127-64.

6 TANNENWALD. *Loc. Cit.*

with NATO. Also, the deterioration of the “nuclear taboo” and the humanitarian consequences of nuclear use.

An important political casualty of Russian nuclear hubris has been the nuclear disarmament and arms control regime. In February 2023, President Putin announced the suspension of Russian participation in the verification mechanisms of the New START Treaty, the last bilateral instrument regulating U.S. and Russian strategic nuclear arsenals. And in October 2023, the Russian Duma opened the legislative way for the Kremlin to revoke the ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT), which represents the most serious challenge to this important disarmament convention and increases the risk of a renewed nuclear arms race, including testing.

Such developments confirmed the negative trends we analysed in some detail in our article last year. The vertical proliferation process implied in the nuclear modernisation and expansion programmes from the five Nuclear Weapon States recognised by the NPT⁷ is compounded by the “nuclear temptation” haunting not just obvious proliferators-to-be such as Iran but also well-established nuclear disarmament advocates including South Korea and Japan⁸.

A new era of nuclear military competition would bring the world back to the dangerous times of the Cold War and compromise global and regional stability.

The illusion of “limited” use

A significant element in the nuclear discussion unfolding even years before the Russian invasion is the idea that limited-yield nuclear warheads –the non-strategic or “tactical” weapons– could be used to underpin deterrence or change the course of military operations. The United States in particular, badly needs to redevelop such tactical capabilities after years of neglect⁹. Russia never gave up its tactical nukes and enjoys today a solid advantage in numbers over NATO¹⁰. Numbers of Russian tactical weapons have been estimated around 2.000, but the Bulletin of Atomic Scientists adjusts the real numbers to 1.816¹¹.

7 LABBÉ. *Op. Cit.* p. 139.

8 *Ibid.* pp. 139-145.

9 See COLBY, Elbridge. “If you want peace, prepare for nuclear war”, Foreign Affairs, October 15, 2018 [If You Want Peace, Prepare for Nuclear War | Foreign Affairs](#)

10 FRANKEL, Michael, SCOURAS, James & ULLRICH, George. “Nonstrategic nuclear weapons at an inflection point”, JOHNS HOPKINS Applied Security Laboratory, 2017. [Nonstrategic Nuclear Weapons at an Inflection Point \(jhuapl.edu\)](#) *By contrast, Russian strategists of the present era, contemplating Russia’s technologically inferior conventional forces and perceived threats posed by NATO’s encroachment on its western border, as well as political and sectarian instability on its southern borders and the potential for a more militant China, have executed quite different calculus. Russia seems poised to continue as well as to exploit its investment in modernization of nonstrategic nuclear forces for both political and, if necessary, warfighting applications. (...) Recognizing that nuclear weapons were the only affordable means to offset the superior conventional weaponry of NATO. Russia continued to invest in a robust research and developments program focused on low-yield nuclear weapons, some with tailored outputs (...) and fielding of modernized air, sea, and land platforms that provide an array of standoff and accurate delivery options.* Page 9 (Our underlining).

11 KRISTENSEN, Hans M. & KORDA, Matt. “Russian nuclear forces”. In SIPRI Yearbook 2023: Armaments, Disarmament and International Security, Chapter 7. World nuclear forces, p. 260. [www.sipriyearbook.org](#)

By comparison, the United States deploys just about 200 nonstrategic nuclear warheads: basically, the B61 gravity bomb, fitted to particularly designed U.S. and NATO fighters¹².

The resulting asymmetries (including in doctrine) *enable Russia to seriously contemplate first nuclear use with the expectation that NATO will capitulate to Russian demands rather than retaliate in kind. To the extent that Russia's assessment of NATO's response is correct, the future efficacy of deterrence would be seriously -perhaps fatally- undermined. On the other hand, an incorrect Russian assessment poses the risk of unexpected and uncontrolled nuclear escalation*¹³.

Discussion around Russian nuclear doctrine, nuclear command and control and “red-lines” is therefore indispensable.

The role of nuclear weapons in Russian doctrine, last updated in 2020¹⁴, defines precise conditions for the use of nuclear weapons; these are contained in paragraphs 4, 17 and 19 of Presidential Order (Decree) 355 of 2 June 2020:

4. The state policy in the area of nuclear deterrence is of a defensive nature, aimed at maintaining the potential of nuclear forces at a level sufficient to ensure nuclear deterrence, and guarantees the protection of sovereignty and territorial integrity of the state, deterrence of a potential adversary from aggression against the Russian Federation and (or) its allies, and in the event of an outbreak of a military conflict—the preclusion of the escalation of military actions and their cessation on conditions acceptable to the Russian Federation and (or) its allies. (Our underlining)

17. The Russian Federation shall reserve the right to use nuclear weapons in response to the use of nuclear and other types of weapons of mass destruction against it and (or) its allies, as well as in the event of aggression against the Russian Federation with the use of conventional weapons when the very existence of the state is in jeopardy. (Our underlining)

19. The conditions that make it possible that Russia will employ nuclear weapons include: (a) the receipt of reliable information about the launch of ballistic missiles attacking the territory of the Russian Federation and (or) its allies; (b) the use by an adversary of nuclear weapons or other weapons of mass destruction on the territories of the Russian Federation and (or) its allies; (c) adversary actions affecting critically important state or military objects of the Russian Federation, the disablement of which could lead to the disruption of retaliatory actions by nuclear forces; (d) aggression against the Russian Federation with the use of conventional weapons when the very existence of state is in jeopardy¹⁵. (Our underlining)

12 *Ibid.* p. 250.

13 FRANKEL, Michael. “*et al*”. *Loc. Cit.*

14 KRISTENSEN, Hans M. & KORDA, Matt. *Op. Cit.* p. 261.

15 Informal working translation by the Russian Studies Program at CAN (Center for Naval Analysis), 2020 ([U](#)) [Foundations of State Policy of the Russian Federation in the Area of Nuclear Deterrence \(cna.org\)](#)

Reputed analysts indicate that there were no major differences between this normative statement and previous doctrinal incarnations (2014, 2010 and 2000)¹⁶, which demonstrates a remarkable consistency in Russian nuclear policy. Moreover, as explained by Dr. Nikolai Sokov, Senior Fellow at the Vienna Center for Disarmament and Non-Proliferation (VCDNP), Russian deterrence strategy rests on classic foundations, but Presidential Order 355 contains further clarifications, and *greater clarity helps enhance deterrence*¹⁷.

Russian nuclear deterrence strategy rests on classic foundations dating back to Paul Nitze and Thomas Schelling. If any elements may appear insufficiently clear, sources to resolve these are readily available: one does not have to look beyond Schelling.

That said, the decree is welcome: many important points in Russian policy needed clarification. The debate in the West, especially in the United States, about the conditions under which Russia might use its nuclear weapons and, more generally, the foundations of Russian deterrence policy, has been raging for a long time and especially for the last three years. At the heart of that debate was the question whether Russia had an “escalate-to-deescalate” policy, i.e. limited nuclear use in the midst of a conventional conflict¹⁸.

The “escalation” element in the formula would consist in a limited (“tactical”) nuclear strike, to bluntly impress on an adversary (the U.S., NATO and Kyiv) Russia’s determination to prevail, hence forcing an end to the conflict in terms favourable or at least acceptable to the Kremlin (such termination of the conflict represents the “de-escalation” part). “Escalation” would be used in case of a hurting stalemate, invasion of Russian territory or imminent conventional defeat (“when the very existence of the state is in jeopardy”). In such speculative hypothesis *Routed (Russian) troops would fire a nuclear weapon to stun an aggressor into retreat or submission. Moscow repeatedly practiced the tactic in field exercises. In 1999, for instance, a large drill simulated a NATO attack on Kaliningrad, the Russian enclave on the Baltic Sea. The exercise had Russian forces in disarray until Moscow fired nuclear arms at Poland and the United States*¹⁹.

Although there is currently no credible threat to the Russian state’s political independence (sovereignty) or territorial integrity—in the sense of Article 2, number 4 de the United Nations Charter—from the Kremlin’s perspective, such scenario would apply to territories illegally annexed by Russia along its protracted aggression against Ukraine and, particularly,

16 KRISTENSEN, Hans M. & KORDA, Matt. Op. Cit. p. 261.

17 SOKOV, Dr. Nikolai. “Russia clarifies its nuclear deterrence policy”, Vienna Center for Disarmament and Non-Proliferation (VCDNP), 3 June 2020 [Russia Clarifies Its Nuclear Deterrence Policy - Vienna Center for Disarmament and NonProliferation \(vcdnp.org\)](https://vcdnp.org/2020/06/03/russia-clarifies-its-nuclear-deterrence-policy/) This article is one of the most useful efforts at explaining Russian nuclear doctrine in a clear and concise way.

18 SOKOV. Loc. Cit.

19 BROAD, William J. “The smaller bombs that could turn Ukraine into a nuclear war zone”, The New York Times, March 21, 2022. [The Smaller Bombs That Could Turn Ukraine Into a Nuclear War Zone - The New York Times \(nytimes.com\)](https://www.nytimes.com/2022/03/21/us/politics/ukraine-russia-nuclear-war-zone.html)

to Crimea²⁰. Losing the Crimean Peninsula which since Catherine the Great harbours the Russian Black Sea Fleet would pose an unacceptable political risk for President Putin²¹. Additionally, President Putin's understanding of "sovereignty" could be related to his regime's stability, in the line of North Korea or Iran, for whose leaders, regime survival is the main security interest, thus justifying their nuclear programmes²².

Another –tricky– area of interpretation deals with the notion of "the very existence of the state (being put) in jeopardy". The assessment of such existential threat would fall upon the current Russian leadership and there would a natural tendency to equate state survival with regime survival.

(In paragraph 4 of the Presidential Decree (t)he state and society are not conflated meaning that a threat to the state's control of Russia potentially meets the Russian criterion even if Russian society is not under catastrophic attack. There is also a semantic question; does the clause refer to the use of conventional weapons on a scale that could destroy the Russian's state effective functionality or does it refer to the use of conventional weapons at any scale in a political context where Russian leaders believe the existence of the state is imperilled?²³. (Our underlining).

Following the 2010 and the 2014 Military Doctrines, the decree posits that nuclear weapons would be used in response to an aggression "which puts the very existence of the Russian Federation under threat" (paragraph 17). Paragraph 4, however, talks about "sovereignty and territorial integrity" of the Russian Federation, which is closer to the language that was contained in the

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- 20 KAUSHAL, Dr. Sidharth & CRANNY-EVANS, Sam: "Russia's nonstrategic nuclear weapons and its views of limited nuclear war", Commentary on Russia Military Report series, Royal United Service Institute (RUSI), London, 21 June 2022. [Russia's Nonstrategic Nuclear Weapons and Its Views of Limited Nuclear War | Royal United Services Institute \(rusi.org\)](#): (...) *it is likely that Russia would only use nuclear weapons in extremis should, for example, its forces face a decisive defeat at the hands of NATO or its control over what it deems its own territory be jeopardised. Notably, this can include freshly seized territory that has been de jure incorporated into Russia. For example, we might consider the nuclear threats issued by President Vladimir Putin over the seizure of Crimea, which prompted concerns that Russia would resort to nuclear weapons to dissuade Western involvement.*
- 21 *Ibid. Russia annexed Crimea at gunpoint. Its conquest became the keystone of Putin's political legacy, the marker of Russian intransigence vis-à-vis the West, and Putin's evidence that Russia's post-Soviet age of humiliation was over. The annexation of Crimea was popular in Russia. (...) Annexing Crimea is Putin's signature achievement, meant to demonstrate Russia's post-Soviet reassertion of power, the scope of its military might, and the lustre of Putin's strategic acumen. He bragged to the Russian people about outfoxing the West on Crimea. Having constructed this narrative, Putin would become the victim of it were Ukraine to retake Crimea. He would be the one outfoxed. Crimea is more than just a symbol for Putin's Russia. It is of great strategic value to whichever country possesses it. It has enabled Russia's naval blockade of Ukraine, a major economic pressure point in the war, and Crimea has been home to Russia's Black Sea Fleet for over two centuries. (...) Consolidating Russian control over Sevastopol—for the sake of the fleet—was a key reason for Russia's annexation of Crimea. Unlike Kherson, Crimea may be a genuine redline for Putin.* (Our underlining).
- 22 SOKOV. *Loc. Cit.* *The term "sovereignty" is equally vague. Does it mean that Russia will remain a sovereign State as defined by international law? Or does this notion include survival of the regime? This is perhaps not an issue a Russian official document can be expected to clarify, but it is a matter to contemplate.*
- 23 KAUSHAL, Dr. Sidharth & CRANNY-EVANS, Sam. *Loc. Cit.*

2000 Military Doctrine and allowed for nuclear use “in situations critical for the national security of the Russian Federation and its allies.” (...) Today (2020), it is also easy to imagine a situation when the “existence” of Russia would not be threatened, but its “territorial integrity” would—for example, an attempt to use force to return Crimea to Ukraine²⁴.

Finding an answer to the question concerning the doctrine of “escalate-to-deescalate” from the terms of the 2020 Presidential Decree, Dr. Sokov concludes that *on the surface, the answer is a resounding “yes”. The entire purpose of nuclear deterrence as defined in Paragraph 4 is to “prevent escalation of a conflict and its termination on conditions acceptable to Russia and/or its allies.” Which means, in plain language, that if Russia faces a major defeat, it will resort to nuclear weapons so that the attacker ends the aggression and returns to status quo ante or perhaps somewhat better for Russia*²⁵.

Confirming that Russian nuclear doctrine contemplates first nuclear use²⁶ under the terms defined by the latest iteration of its nuclear doctrine, the questions about whether and how President Putin would resort to actual use of tactical nuclear weapons in Crimea and the possible consequences of such an extreme decision opened another analytical stream. Observers addressed even the Russian President’s psychology, his alleged fundamentalism and ideological sources of inspiration²⁷. Psychological factors ought to be considered in the context of deterrence, which takes place **in the minds** of nuclear adversaries. For example, the application of the doctrinal clause providing for nuclear weapons use in case of an existential threat to the Russian state will be preceded by a cognitive and deci-

24 SOKOV. *Loc. Cit.*

25 *Ibid.* Writing in 2020, Dr. Sokov balanced this assertion concluding that the Kremlin’s doctrine aimed at deterrence rather than de-escalation. *The calculation seems to be as follows: if the opponent knows beforehand that its superior conventional capability, instead of guaranteeing victory, will trigger nuclear use and thus defy the very reason for the attack, then the opponent will refrain from the use of force in the first place. In other words, de-escalation (to the extent the term is applicable) is not a war-fighting strategy, but rather a tool of deterrence. It is not meant to fight war, it is meant to prevent war.* (Emphasis in the original).

26 KAUSHAL, Dr. Sidharth & CRANNY-EVANS, Sam. *Loc. Cit.* *The fact that Russia is willing to contemplate nuclear first use is not Russia’s primary departure from Soviet practice. The Soviets never had a meaningful ‘no first use’ policy and the current Russian threshold for nuclear use is still probably quite high. What is genuinely new about Russian doctrine is that it includes options for limited and flexible nuclear use.* (Emphasis in the original).

27 STROZER, Charles B. and TERMAN, David M. “Putin’s psychology and nuclear weapons: the fundamentalist mindset”, *Bulletin of Atomic Scientists*, november 2022 [Putin’s psychology and nuclear weapons: the fundamentalist mindset - Bulletin of the Atomic Scientists \(thebulletin.org\)](https://thebulletin.org) *Putin’s behavior fits logically into what appears to be an enactment of his personality structure that is centered on a paranoid gestalt. Always grandiose to a fault, Putin appears in recent years to have surrounded himself with yes-men who applaud his vision for a recovery of Russia’s imagined greatness and feed his fantasies of American and Western conspiratorial intentions. He has throttled the press and cut off dissent, which limits the marketplace of alternate ideas. He is the new Leader, the great one who alone possesses the ability to carve out and exalted history for Russia. (...) Putin calls forth an imagined vision of a great past that is projected forward as millennialism -the yearning for an apocalyptic renewal. Putin’s paranoid style of cognitive organization occurs in response to injuries to the pride, power and ideals held by the group. (...) Putin’s grievances and those of troubled Russia (...) have become synergistic and have generated enormous rage.*

sional process occurring in the Russian leadership minds²⁸. Such line of analysis falls beyond the scope of the present article but needs to be taken into consideration, not only in the context of the current Russian aggression against Ukraine, but in general, as a problematic variable in nuclear deterrence.

A new Russian nuclear “normal”; a nuclear church

A worrisome development taking place in Russia is a “normalisation” of the nuclear discourse in the media, academic circles (particularly military publications) and even public opinion. This is a consequence of the reiterated nuclear “sabre-rattling” from the Kremlin but would also emerge from deeply seated ideas in the collective mentality. Professor Dmitry Adamsky, from the Reichman University in Tel Aviv, deals in depth with this problem in an enlightening article published by Foreign Affairs last may. In his view the war –which *had a nuclear component from the start– further nuclearized the Russian establishment’s strategic thought and normalized nuclear weapons in the public’s consciousness. (...) As a result, the Russian public appears to have become more comfortable with the idea of using atomic weapons*²⁹. At the level of public opinion *nuclear weapons have become a popular topic of conversation. (...) The notion that using nuclear weapons should be a last resort but not an unthinkable option has become routine in Russian media and has framed common thinking about escalation in war (...) the bellicose environment has radicalized much of the population*³⁰. The role of Russian (official) media in this radicalisation had been pointed out by Tatiana Stanovaya, from the Carnegie Endowment for International Peace in October, 2022³¹.

28 McDERMOTT, Rose, PAULY, Reid and SLOVIC, Paul. “Putin and the Psychology of nuclear brinkmanship”, Foreign Affairs, may 30, 2023. [Putin and the Psychology of Nuclear Brinkmanship | Foreign Affairs](#) *What constitutes an existential threat, however, is not clearly delineated in Russian strategic doctrine. It lies in the eye of (...) Putin, who retains full control of Russia’s nuclear arsenal, albeit subject to a supposed requirement that Russia’s defense minister and the chief of the general staff of the armed forces authenticate his launch orders. The answer, in other words, comes down to one of the most opaque aspects of the current crisis: the state of Putin’s mind and his outlook on the world. Much of the debate around Putin’s psychological disposition has centered on whether the Russian president acts rationally. That discussion is an important one, but it has at times lacked nuance. (...) How far Putin will take his nuclear brinkmanship remains anybody’s guess. But a combination of known psychological and cognitive biases, combined with some psychological tendencies characteristic of Putin, could prove extraordinarily dangerous if he feels backed into a corner...*

29 ADAMSKY, Dmitry. “Russia’s new normal: How the country has grown dangerously comfortable brandishing its arsenal”. Foreign Affairs, may 19, 2023 [Russia’s New Nuclear Normal | Foreign Affairs](#)

30 *Ibid.*

31 STANOVAYA, Tatiana. “Putin’s apocalyptic end of game in Ukraine”, Foreign Affairs, 6 october, 2022 [Putin’s Apocalyptic End Game in Ukraine: Why Annexation and Mobilization Make Nuclear War More Likely \(foreignaffairs.com\)](#) *commentators and officials are once again advocating the use of nuclear weapons in Ukraine. They have filled the TV screens and social media with nuclear saber rattling. The pro-Kremlin segment of Telegram, a Russian information-sharing app, is buzzing with hundreds of posts justifying Moscow’s legitimate right to use tactical nuclear weapons in Ukraine or trying to convince the world that Putin is seriously ready to resort to nuclear weapons in the event of further escalation. The profusion of posts insisting that “yes, he can”, “he must” and “he will” is not only part of a deliberate campaign to intimidate the West but also a demonstration of the growing determination among the most committed, ambitious pro war elements of Russian elite and society that the war must be won no matter what. (Our underlining).*

Concerning the Russian military establishment, Professor Adamsky draws attention to an unprecedented number of articles published in the journal of the general staff portraying a supposed Washington's ploy to 'de-militarize' and 'de-sovereign' Russia and then exploit the countries 'territorial, natural, industrial and human resources'³² Such imagined objectives –posing an existential threat to the Russian state– would be achieved after a U.S. 'prompt global strike' decapitating the Russian military's supreme command and nullifying its nuclear retaliation capacity³³. Consequently, these freakish scenarios lead to demands for further nuclear modernization and expansion, in order to reaffirm the credibility of the Russian nuclear deterrence³⁴.

A disturbing factor signalled by Professor Adamsky and other observers is the role played by the Russian Orthodox Church in this process of radicalisation³⁵. After years of consistent and faithful political support, the Russian national church and its Patriarch Kirill are very much a part of the regime, now supporting the aggression against Ukraine: *Russia is fighting the forces of evil and Satan, as illustrated by statements about the 'special military operation' as a 'war of the army of Archangel Michael against the devil' and the need to 'de-satanize' Ukraine*³⁶. Such endorsement has reached nuclear weapons themselves: Patriarch Kirill recently honoured the director of the Russian Federal Nuclear Centre, based in the premises of the old Sarov monastery, where the Soviet Union's nuclear military programme developed. In his speech the Patriarch asserted that *were it not for the work of (the Soviet scientists which developed the Russian atomic bomb) it is difficult to say if our country would still exist*, adding that those scientists *created weapons under the protection*

32 ADAMSKY. Loc. Cit.

33 Dr. Nikolai Sokov addressed this outlandish hypothesis when analysing the 2020 nuclear doctrine, which lists conditions when nuclear weapons will (almost) definitely be used (...) *The third (condition) is a conventional strike on nuclear forces and command and control systems. This is a clear reference to the scenario popular in Russia, in which American precision-guided conventional weapons may destroy launchers of Russian strategic missiles (both silo-based and mobile) as well as its command and control centres. This scenario has always been far-fetched...* SOKOV. Loc. Cit. (Our underlining).

34 ADAMSKY. Loc. Cit. (...) *several Russian security experts have even promoted the idea of launching a pre-emptive strike to repulse a knockout of Russia's nuclear arsenal. This destabilizing inclination predated the war. Leading Russian defense intellectuals believed then, as they do now, that the United States was lowering the threshold for nuclear weapons use and that Washington asserts that a limited nuclear war would be manageable. They also believe that U.S. policymakers have an "escalate to de-escalate" approach—in which Washington would use a nuclear weapon in order to coerce other states to its political will—even as the United States accuses Moscow of adopting this same framework.*

35 The article we have been citing is not the first by Professor Adamsky on the close relationship between the Russian Orthodox Church and the Kremlin. Well before the war in Ukraine, on June 14, 2019, Foreign Affairs published a very eloquent piece titled "How the Russian Church learned to stop worrying and love the bomb: Orthodoxy's influence on Moscow's nuclear complex". Foreign Affairs, 14 June, 2019 [How the Russian Orthodox Church Influences Russia's Nuclear Weapons Complex | Foreign Affairs](#) There, we read: *by 2010 the church had become part and parcel of the nuclear officialdom. The commanders of the nuclear corps and senior members of the nuclear industry signed cooperation agreements with the Russian Orthodox Church and established close contacts with the patriarch and clergy. From this Nexus emerged the belief, which Putin himself seems to hold, that Orthodoxy and a nuclear deterrent are equally important bulwarks of Russian statehood, guaranteeing the nation's security internally, in the case of the church, and externally in the case of the nuclear arsenal.*

36 KOLESNIKOV, Andrei. "Scientific Putinism: shaping official ideology in Russia". Carnegie Politika. Carnegie Endowment for international peace. 21 November 2022. [Scientific Putinism: Shaping Official Ideology in Russia - Carnegie Endowment for International Peace](#)

of St. Seraphim of Sarov, because, by the ineffable providence of God, these weapons were created in the monastery of St. Seraphim³⁷.

(...) the messianic-existential aura that the Kremlin and the Russian Orthodox Church have given to the war has also contributed to nuclear normalization. Both institutions are framing the conflict in almost transcendental terms—as a clash of civilizations and a civil war within the “Russian world.” The Kremlin and the church present Ukraine as a “prodigal daughter” that has become a proxy for the forces of darkness, specifically a collective West that is seeking to dismantle Russia spiritually and geopolitically. In their wartime speeches, both Putin and Patriarch Kirill, the head of the Russian Orthodox Church, have embraced the language of martyrdom, of purifying sacrifice, and of repentance—all for the sake of winning the war. This language is most obviously applicable to Russian soldiers, many of whom face death on the battlefield, and many of whom are blessed by priests before being deployed. But the rhetoric may also prime Russians at home to accept the highest possible costs as necessary in this clash of civilizations³⁸. (Our underlining)

The normalisation of the nuclear use discourse has reached popular culture (as usually promoted by the propaganda of totalitarian regimes): *a popular Russian rock singer, close to the Kremlin (...) produced a hymn to Sarmat -the country's newest class of intercontinental ballistic missiles*³⁹ (...) *A videoclip of the song (accompanied by a uniformed military orchestra) highlights Putin's eschatological figures of speech in relation to nuclear weapons and the fate of the world, threatens the United States and NATO, and concludes with the words: God and Sarmat are with us*⁴⁰. The music video for the song, titled “Sarmatushka,” was uploaded to YouTube on december 17, 2022 by ParkPatriot.Media, the propaganda arm of the Ministry of Defence. The video is available, at the time of this writing, in YouTube at this link [\(8932\) Сарматушки \(Sarmatushka\) - YouTube.](#)

The nuclear discourse has reached such levels of intensity that reputed voices have openly advocated for **pre-emptive use of nuclear weapons** in Ukraine or against NATO countries. Sergei A. Karaganov, Honorary Chairman of the Council on Foreign and Defence Policy, a high-ranking political Russian think tank, called for nuclear strikes on Western Europe to re-establish nuclear deterrence and finish the conflict according to Russian terms: The enemy must know that we are ready to deliver a pre-emptive strike in retaliation for all of its current and past acts of aggression in order to prevent a slide into global thermonuclear war. Karaganov is confident that if we (Russia) correctly build a strategy of intimidation and deterrence and even use of nuclear weapons, the risk of a “retaliatory” nuclear or any

37 THE MOSCOW TIMES. “Nuclear weapons ‘saved Russia’ – Patriarch Kirill”. 18 October 2023 [Nuclear Weapons ‘Saved’ Russia – Patriarch Kirill - The Moscow Times](#) This position, which will at the very least surprises a practising Christian like this author is in stark contrast with the standing of other Christian denominations, flatly condemning nuclear weapons.

38 ADAMSKY. Loc. Cit. The legitimization of the war by the Russian Orthodox Church is an extension of the years of ecclesiastical support for the Kremlin's foreign policy gambits and nuclear assertiveness. The patriarch's wartime sermons have transformed him into something like a national spiritual commissar.

39 KRISTENSEN, Hans M. & KORDA, Matt. Op. Cit. p. 269.

40 ADAMSKY. Loc. Cit.

other strike on our territory can be reduced to an absolute **minimum**⁴¹. He doesn't elaborate on such "correct" strategy.

Understandably, Karaganov's "controversial essay" (as depicted by the Bulletin of the Atomic Scientists⁴²) generated not only controversy but serious alarm in Russia. A group of 24 members of the think tank published a statement in the Council on Foreign and Defence Policy website on 13 July, 2023, found in this link [CALLS FOR NUCLEAR WAR - Council on Foreign and Defense Policy \(svop.ru\)](#) which in my opinion testifies to the high-mindedness of -at least- a segment of the Russian intelligentsia.

Recently, there have been speeches and statements, including by a number of SVOP members, in which, albeit with numerous reservations, the idea of Russia launching a preventive nuclear strike (...) in Ukraine (has been promoted). Moreover, the authors do not limit themselves to the flight of fantasy about the use of tactical nuclear weapons on the territory of Ukraine, but also propose to hit (...) NATO countries.

(...) To hope that a limited nuclear conflict can be managed and prevented from escalating into a global nuclear war is the height of irresponsibility. This means that the destruction of tens and perhaps even hundreds of millions of people in Russia, Europe, China, the United States and other countries is at stake. This is a direct threat to humanity in general.

It is unacceptable to use pseudo-theoretical arguments and emotional statements in the style of the so-called "talk shows" to form such moods in society that can push them to make catastrophic decisions. These are no longer theoretical concepts. This is not only a direct threat to all of humanity, but also a very concrete proposal to kill everyone we care about and love.

We, the members of the Council on Foreign and Defence Policy, consider such proposals absolutely unacceptable and unequivocally condemn them.

41 KARAGANOV, Sergei A. "A difficult but necessary decision", Russia in global affairs, 13 June 2023. [A Difficult but Necessary Decision — Russia in Global Affairs](#) Karaganov's ideas of nuclear weapons and deterrence seem to be imbued by the "messianic-existential" tone displayed by the Kremlin and the Russian Orthodox leaders. Regarding the development of nuclear weapons this is his bizarre theory: *For many years I have studied the history of nuclear strategy and come to an unambiguous, albeit seemingly not quite scientific, conclusion. The creation of nuclear weapons was the result of divine intervention. Horrified to see that people, Europeans and the Japanese who had joined them, had unleashed two world wars within the life-span of one generation, sacrificing tens of millions of lives, God handed a weapon of Armageddon to humanity to remind those who had lost the fear of hell that it existed. It was this fear that ensured relative peace for the last three quarters of a century. That fear is gone now. (...) That fear needs to be revived. Otherwise, humanity is doomed. What is being decided on the battlefields in Ukraine is not only, and not so much, what Russia and the future world order will look like, but mainly whether there will be any world at all or the planet will turn into radioactive ruins poisoning the remains of humanity.* (Our underlining).

42 CIMBALA, Stephen J. and KORD, Lawrence J. "Karaganov's case for Russian nuclear preemption: responsible strategizing or dangerous delusion?", Bulletin of the Atomic Scientists, 21 August, 2023 [Karaganov's case for Russian nuclear preemption: responsible strategizing or dangerous delusion? - Bulletin of the Atomic Scientists \(thebulletin.org\)](#)

(Our underlining. We incorporate the full text of the Statement as an Annex to this article).

Nuclear deterrence –and indirectly nuclear use– were addressed last October, at the Valdai International Discussion Club (a debate conference associated with the Council on Foreign and Defense Policy) with the presence of President Vladimir Putin⁴³. There, Dr. Karaganov posited again (through a question) that Russian *doctrine on using nuclear weapons* had become obsolete. *Deterrence does not work anymore. (It is) high time we modify the doctrine, lowering the nuclear threshold and moving steadily (...), quickly along the stair of escalation.*

President Putin acknowledged Karaganov's point of view (*I know your position (...) and I understand your feelings*). Then he recalled the two scenarios (defined in the 2020 Presidential Decree) *for the possible use of nuclear weapons* by Russia. *The first is the use of nuclear weapons against us, which would entail a so-called retaliatory strike. In this first scenario, the Russian counterstrike would involve hundreds -hundreds of our missiles in the air, so that no enemy will have a chance to survive. And (we can respond) in several directions at once. The second scenario for the potential use of this weapons is an existential threat to the Russian state -even if conventional weapons are used against Russia, but the very existence of Russia as a state is threatened.*

(...) Do we need to change this? Why would we? Everything can be changed, but I just don't see that we need to. There is no situation imaginable today where something would threaten Russian statehood and the existence of the Russian state. I do not think anyone in their right mind would consider using nuclear weapons against Russia. (...) I do not see the need to change our (doctrine). The potential adversary knows everything and is aware of what we are capable of. (Our underlining).

Apparently then, the Russian doctrinal debate has subsided; but the pressure remains.

Doctrinal discussions aside, the question of the **military value of tactical nuclear weapons** is open. Some analysts recall that a key lesson from the Cold War was their lack of utility. *For example, US Army studies concluded that a 1 kiloton⁴⁴ warhead would need to detonate within 90 metres of a tank to inflict serious damage. This conclusion has been reinforced by academic studies on the potential uses of tactical nuclear weapons in the context of an Indo-Pakistani war, which suggest a 5 kiloton Pakistani weapon used against an Indian armoured regiment could knock out 13 tanks⁴⁵. David E. Sanger and William J. Broad, writing in the New York Times affirmed that *For all its threats to fire tactical nuclear weapons at Ukrainian targets, President (...) Putin is now discovering what the United States itself concluded years ago (...) Small nuclear weapons are hard to use, hard to control and a far**

43 PRESIDENT OF RUSSIA (RUSSIAN PRESIDENCY). Valdai International Discussion Club meeting: Vladimir Putin took Part in the plenary session of the 20th anniversary meeting of the Valdai International Discussion Club. 5 october, 2023 Valdai International Discussion Club meeting • President of Russia (kremlin.ru)

44 One kiloton is roughly the equivalent of a thousand tonnes of TNT.

45 KAUSHAL, Dr. Sidharth and CRANNY-EVANS, Sam: *Loc. Cit.*

*better weapon of terror and intimidation than a weapon of war*⁴⁶. We have no space to delve into a very technical matter but, from a humanitarian point of view there is no doubt that **any** nuclear detonation –irrespective of the number of military casualties and damage it inflicts– would have lasting negative effects on the environment beyond the battle theatre, impacting civilians at both sides of the battle lines. Such consequences are inherent in the indiscriminate nature of nuclear weapons.

Our impression is that President Putin government’s actions regarding nuclear deterrence or use of tactical nuclear weapons will not be guided or determined by international law or doctrinal considerations, but by the unfolding of a conflict which, at the time of this writing descends more and more into a war of attrition with similarities to be found in the First World War.

Unfortunately, Russian sabre-rattling has brought back nuclear weapons and all their associated doctrinal paraphernalia to the centre of the security stage in Europe and the Indo-Pacific. NATO countries –and overseas allies– are now more inclined to value nuclear deterrence and even to prepare for nuclear scenarios after the war in Ukraine⁴⁷. Kremlin’s hubris and irresponsible behaviour have moved the world into a dangerous quagmire.

The last manifestation of such behaviour has been **Russia’s revocation of its ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT)**. The CTBT is an important pillar of the nuclear-disarmament and non-proliferation architecture, proscribing explosive nuclear testing and thus inhibiting further progress of nuclear-weapons technology. While the

46 SANGER, David E. and BROAD, William J. “Russia’s small nuclear arms: a risky option for Putin and Ukraine alike”. The New York Times, October 3, 2022. [Russia’s Small Nuclear Arms Are a Risk For Putin and Ukraine - The New York Times \(nytimes.com\)](#) *Still, the risks for Mr. Putin could easily outweigh any gains. His country could become an international pariah, and the West would try to capitalize on the detonation to try to bring China and India, and others who are still buying Russian oil and gas, into sanctions they have resisted. Then there is the problem of prevailing winds: the radiation released by Russian weapons could easily blow back into Russian territory.*

47 WEAVER, Gregory. “The urgent imperative to maintain NATO’s nuclear deterrence” NATO Review, 29 september 2023 [NATO Review - The urgent imperative to maintain NATO’s nuclear deterrence](#) *An ongoing fundamental change in the international security environment is also increasing the importance of NATO’s nuclear deterrent. Due to China’s rapid nuclear buildup, the US and its allies will soon face two nuclear peer adversaries for the first time in the nuclear age. Were China’s new peer status to give them the confidence to attack Taiwan, Russian leaders might see an opportunity for aggression against NATO, given that another nuclear peer may distract the US military. NATO’s current conventional superiority against Russia would be greatly diminished or negated in that scenario, forcing NATO to rely on nuclear weapons to counter Russian conventional superiority. And were Russia to conclude that their theater nuclear weapons advantage provided either decisive military superiority or a trump card in the event such opportunistic conventional aggression against NATO were to fail, a Russia-NATO war could result. In sum, deterring Russian nuclear escalation will still matter after the war in Ukraine ends for four main reasons: 1. Russia’s leaders have demonstrated a propensity to take risk and miscalculate in doing so. 2. Those leaders’ experience in Ukraine may have convinced them that NATO is vulnerable to nuclear coercion. 3. Russia will likely increase its reliance on nuclear weapons due to the performance of its conventional forces in Ukraine. 4. Russia could be presented with an opportunity to attack NATO if the US becomes engaged in a major conflict with another nuclear peer. Deterring Russian nuclear use against NATO will thus remain an urgent imperative, even after the war in Ukraine ends. (Our underlining).*

CTBT has not entered into force⁴⁸ it musters 187 States signatories and 177 States Parties. The Treaty is a particular case of instrument fulfilling its main purposes while remaining not-in-force. The International Monitoring System (IMS, the verification mechanism of the Treaty) deploys 337 facilities worldwide of which 321 are monitoring stations⁴⁹ intended to detect (and deter) nuclear explosive tests, its efficacy demonstrated by its prompt detection of all (six) North Korean nuclear tests. The Kremlin has indicated that Russia intends to keep complying with the Treaty provisions, including through the 32 IMS monitoring stations in its territory⁵⁰. However, as warned by Hugh Chalmers, from VERTIC,

The withdrawal of Russia's ratification has cast a shadow over the CTBT. In this shadow, ambiguities and uncertainties in the interpretation and observation of treaty restrictions can grow into mistrust – taking State Signatories further from ratification and closer to a return to nuclear testing. Nuclear-armed Signatories should seek to understand how they each interpret testing restrictions and demonstrate how their nuclear weapon stockpile stewardship activities abide by those restrictions. The US has invited international observers to its nuclear testing site to explore options for confidence-building measures, and has proposed to work with others to develop a reciprocal regime in this regard. This is a welcome step towards transparency and confidence-building, and should be supported.

Russia's claim that its withdrawal of ratification responds to the failure of the United States to ratify the Treaty⁵¹ is a lame argument: in spite of the –domestic politics– fact that five successive Administrations have been unable (or unwilling) to shepherd the Senate's two thirds majority needed to pass the ratification, Washington has remained a loyal, consistent and active partner in the CTBT community, contributing substantially to the Organisation's budget. Other reasons, no doubt connected to the Ukrainian conflict, may hold

48 The entry into force of the CTBT requires the ratification of forty-four States identified in Annex 2 of the Treaty. These States participated in the negotiation of the CTBT in their capacities as member of the Conference on Disarmament and were either nuclear-weapon possessors or research-reactor possessors. The States are Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, **Chile**, China, Colombia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Finland, France, Germany, Hungary, India, Indonesia, Islamic Republic of Iran, Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America, and Vietnam. Of these, nine States had not ratified at the time of this writing: China, DPRK, Egypt, India, Iran, Israel, Pakistan, United States and, now, the Russian Federation. DPRK, India and Pakistan are non-signatories of the Treaty.

49 Seven of them located in Chile.

50 CHALMERS, Hugh. "Commentary on de-ratification of the CTBT by Russia", VERTIC, 20 October, 2023. [Commentary on De-Ratification of the CTBT by Russia - Vertic](#) *Recalling the international legal framework surrounding the CTBT and Russia's implementing measures could help provide some reassurance. As a signatory to the CTBT, Russia is still bound by a broader framework of international law that supports the treaty and preparations for its entry into force. The Vienna Convention on the Law of Treaties, which codifies customary international law, requires signatories to a treaty to "refrain from acts which would defeat the object and purpose" of that treaty prior to its entry into force. States Signatories should remember their obligations in this regard under the Vienna Convention and customary international law.*

51 The Clinton Administration failed to ensure the 66 votes needed in the U.S. Senate to ratify the Treaty. However, the United States is a consistent supporter of the CTBT Organization, contributing to its budget and actively participating in the Preparatory Commission activities.

more water. Thong Zao, Senior Fellow at the Carnegie Endowment for International Peace posits that:

Putin repeatedly seeks to manipulate the risks of a nuclear escalation of the Ukraine war to achieve broader coercive goals, such as the containment of US and NATO military aid to Ukraine. Against this background, the de-ratification (...) represent(s) another step of escalation and move Russia one step closer toward conducting a nuclear explosion, either in the form of a nuclear test or actual nuclear use. Russia's actions contribute to normalizing the practice of nuclear coercion and erode global confidence in the existing moratorium on nuclear testing among nuclear weapons states. Its negative impact on the policies of other nuclear-armed states should not be underestimated⁵². (Our underlining)

A resumption of explosive testing by nuclear-weapon possessor States would be a major political setback to the nuclear disarmament and non-proliferation order: the international community must remain attentive to prevent it.

THE MULTILATERAL FRONT

The Non-proliferation Treaty

Contrary to some expectations⁵³, the postponements of the X Review Conference of the Treaty on Non-Proliferation of Nuclear Weapons (NPT), convened at last in New York in August 2022 (it should have taken place in 2020), did not save the exercise from the fate of its 2015 predecessor. States Parties were not able to adopt a final document, this time due to Russian opposition. Russia blocked the last text circulated by the President—which according to sources had reached preliminary consensus—objecting its wording on the military occupation of the largest nuclear plant in Europe, Zaporizhzhia, during its invasion of Ukraine⁵⁴. While such kind of development is expected in disarmament fora due to their adherence⁵⁵ to the strictest understanding of the rule of consensus⁵⁵, two failed Review Con-

52 OPEN NUCLEAR NETWORK. Experts' roundup: "What Russia's CTBT de-ratification means for global nuclear risks". ZHAO, Tong [ONN Expert Roundup: What Russia's CTBT De-Ratification Means for Global Nuclear Risks | Open Nuclear Network](#)

53 LABBÉ. 2022. *Op. Cit.* Introduction.,

54 UNITED NATIONS, Press Releases. "Non-Proliferation Treaty Review Conference ends without adopting substantive outcome document due opposition by one member state: Delegates broadly condemn Russian's Federation's 'dangerous nuclear rhetoric". 26 August 2022. [Non-Proliferation Treaty Review Conference Ends without Adopting Substantive Outcome Document Due to Opposition by One Member State | UN Press](#) *The Russian Federation's delegate then asked for the floor to explain that there was "no consensus" and that his country had "objections on key points which have a political dimension and are known to all". He explained that these objections related to "five paragraphs" of a text which contained more than 140 and proposed not to delete them, but to amend them. The delegate did not quote the paragraphs. Without citing the Russian Federation, five of the paragraphs of the draft document referred to the Ukrainian nuclear power plant in Zaporizhzhia.*

55 The IX (2015) and VII (2005) Review Conferences ended without the adoption of a substantive outcome document. The last Review Conference adopting a Final Document was the VIII, in 2010 (which reached consensus on a very substantial Plan of Action).

ferences in a row convey a negative political outlook for an instrument widely regarded as the corner stone of the nuclear order.

Prior to the X Review Conference's inception there was little optimism about the real prospects of reaching consensus, due to the unfavourable political atmosphere generated by the Russian aggression against Ukraine. However, a somewhat "watered-down" outcome text had been circulated on August 25 (document NPT/CONF.2020/CRP.1/Rev.1) which, bar the Russian opposition, would have allowed the Treaty community to offer a measure of unity⁵⁶.

The Treaty on the Prohibition of Nuclear Weapons (TPNW)

In stark contrast, the First Meeting of the States Parties to the Treaty on the Prohibition of Nuclear Weapons, convening for just three days in Vienna in June 2022, was a resounding success.

The Treaty entered into force in January 2022 and at the moment of this writing comprises 93 signatories and 69 parties. The First Meeting was attended by 34 observers States⁵⁷ and was enriched by a substantial contribution from 85 civil society organisations, which since the negotiations leading to the diplomatic conference of January and July 2017 have been a vital partner in the Treaty "community" (very much in the vein and style of the Ottawa Convention, banning antipersonnel landmines). The most salient among these is the International Campaign Against Nuclear Weapons, ICAN, awarded the Nobel Peace

56 Analysing the "quasi" final documents of the 2015 and 2022 failed NPT Review Conferences, Marc Finaud, from the Geneva Centre for Security Policy identifies some progress in the latter, which included provisions absent in 2015. Among these: *The "deep concern" that the risk of use of nuclear weapons is higher than during the Cold War; The "urgency" of reducing nuclear arsenals and the role of nuclear weapons in military doctrines; The "need" for the nuclear-weapon states to follow up with concrete actions on their declaration of 3 January 2022 that "a nuclear war cannot be won and must therefore not be fought"; Satisfaction with the "increased attention" given to victim assistance and environmental remediation due to the damage caused by nuclear weapons and nuclear tests; "Concern" at the threat or use of force in violation of the United Nations Charter against the territorial integrity of any state; "Acknowledgment" of the nuclear risk reduction measures adopted by certain states; The "concern" of the non-nuclear weapon states regarding the modernization of nuclear arsenals; The call on the nuclear-weapon states to show more transparency on their arsenals and their doctrines.* (Emphasis in the original). FINAUD, Marc: "The nuclear powers are isolated within the international community", *Presenza*, 17 October 2022 [The nuclear powers are isolated within the international community \(presenza.com\)](https://www.presenza.com) Of course, as recognised by Finaud, the problem lies not with these texts but in the feeble fulfilment of their disarmament obligations -under NPT Article VI- by the Nuclear Weapon States.

57 Algeria, Australia, Belgium, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Democratic Republic of the Congo, Dominican Republic, Finland, Germany, Ghana, Guatemala, Indonesia, Iraq, Libya, Liechtenstein, Marshall Islands, Mauritania, Morocco, Mozambique, Nepal, Netherlands, Niger, Norway, Qatar, Senegal, Singapore, Sweden, Switzerland, Timor-Leste, United Republic of Tanzania and Yemen. This list includes several signatories, whose ratification is pending. Also, some NATO members with a distinguished trajectory in nuclear disarmament diplomacy such as Australia, Finland, Germany, Netherlands, Norway and Sweden. As explained by Ambassador Alexander Kmentt, from Austria, President of the Meeting, their presence is a tribute to efforts at enhanced transparency from the TPNW parties, motivated not by the futile confrontation between "North and South" that sometimes mar multilateral debates, but by a sincere desire to advance the cause of nuclear disarmament by argument and persuasion.

Prize in 2017 precisely for its role in the multilateral efforts leading to the successful adoption of the TPNW.

Nuclear weapon possessing states⁵⁸ did not attend. Japan was not present officially, but survivors of the Hiroshima and Nagasaki bombings, the respected “hibakusha”, whose advocacy enjoys unquestionable moral weight, the mayors of both cities and NGOs served as ambassadors for the first and, so far, only nation victim of a nuclear attack; their presence and interventions were dutifully followed and amplified by Japanese media reporters.

The UN Secretary General and Pope Francis addressed the conference, reinforcing its moral impact.

Before the Meeting, Austria hosted yet another Conference on the Humanitarian Impacts of Nuclear Weapons. Three similar conferences in 2013 and 2014, in Oslo, Nayarit (México) and Vienna provided scientific and political support to a multilateral enterprise predicated on the urgent need to prevent the horrific humanitarian consequences of any use of nuclear weapons. This approach remains an essential political and moral driver at a global juncture where the “nuclear taboo” seems to be eroding amidst nuclear sabre-rattling, the “nuclear temptation”⁵⁹, the return to deterrence doctrines and voices positing the military value of non-strategic nuclear warheads. The second Vienna conference took notice of new scientific research reaffirming previous conclusions regarding the devastating humanitarian consequences due to detonation, radioactive fallout and wide-scale environmental damage.

The Federal Ministry for European and International Affairs of Austria and the University of York have published last July an excellent volume, containing an overview of the most recent scholarship about the humanitarian consequences of the use of nuclear weapons and their related risks. Of special significance is the body of research on the environmental impact of even a “limited” nuclear war between India and Pakistan, with effects spanning the whole world, a devastating “nuclear winter”⁶⁰.

The First Meeting of States Parties adopted a political statement (the Vienna Declaration), a Plan of Action and four decisions related to Article 4 of the TPNW, the creation of a Scientific Advisory Group, the complementarity of the Treaty with the existing non-proliferation and disarmament regime and the intersessional structure for the implementation of the Treaty⁶¹.

58 China, France, the Russian Federation, United Kingdom and United States are recognised as Nuclear Weapon States by the Non-proliferation Treaty, whereas India, Israel, DPRK and Pakistan remain outside the NPT.

59 LABBÉ. 2022. *Op. Cit.* p. 139.

60 RITCHIE, Nick and KUPRIYANOV, Mikhail. “Understanding the humanitarian consequences and risks of nuclear weapons”. REPUBLIC OF AUSTRIA, FEDERAL MINISTRY FOR EUROPEAN AND INTERNATIONAL AFFAIRS: Department for Disarmament, Arms Control and Non-Proliferation, Vienna, July 2023. [\(PDF\) Understanding the humanitarian consequences and risks of nuclear weapons New findings from recent scholarship \(researchgate.net\)](#)

61 UNITED NATIONS, UNODA. Document TPNW/MSP/2022/6, Report of the First Meeting of the States Parties to the (TPNW) [N2243457.pdf \(un.org\)](#)

The Vienna Declaration salutes the entry into force of the TPNW, which is now a consolidated instrument of International Law, formulating the prohibition of nuclear weapons in legal terms and thus embodying the aspirations of a clear majority in the United Nations membership. Furthermore, this instrument has the capacity to evolve into international customary law applicable, eventually, *erga omnes*:

We celebrate the entry into force of the Treaty on 22 January 2021. Nuclear weapons are now explicitly and comprehensively prohibited by international law, as has long been the case for biological and chemical weapons. We welcome that the Treaty fills this gap in the international legal regime against weapons of mass destruction and reaffirm the need for all States to comply at all times with applicable international law, including international humanitarian law⁶². (Our underlining).

That the catastrophic humanitarian consequences of nuclear weapons cannot be adequately addressed, transcend national borders, pose grave implications for human survival and well-being and are incompatible with respect for the right to life. They inflict destruction, death and displacement, as well as profound long-term damage to the environment, socioeconomic and sustainable development, the global economy, food security and the health of current and future generations, including with regard to the disproportionate impacts they have on women and girls⁶³. (Our underlining).

This paragraph is relevant to underpin the intimate connection of the Treaty with both International Humanitarian Law and International Law of Human Rights. As we have signalled in a previous article⁶⁴, this is the first disarmament treaty to include explicit references to gender. Such considerations are strategically important to develop a narrative aimed at the world's public opinion. The alliance with civil society is embedded in the text and practice of the Treaty and its political success will depend on the capacity to create a wider base of public support, similar to the one elicited by climate change instruments. The cause of nuclear disarmament will be fought in minds and hearts as well as in streets and conference rooms.

From this perspective, Articles 6, dealing with assistance to victims of use and testing of nuclear weapons, and 7, providing for environmental remediation where nuclear testing took place do create opportunities for dissemination and public support-building. Actions

62 *Ibid.* Annex I, Nº 2.

63 *Ibid.* Nº 3, second bullet.

64 LABBÉ, Alfredo. 2018. "El Tratado de Prohibición de las Armas Nucleares, un desafío y una promesa" (DOC) EL TRATADO DE PROHIBICIÓN DE LAS ARMAS NUCLEARES UN DESAFÍO Y UNA PROMESA (1) | Alfredo Labbé - Academia.edu

19 to 32 in the Vienna Action Plan⁶⁵ seek to engage *relevant stakeholders*, including States that tested nuclear weapons and create institutional and legal tools to channel international cooperation and assistance to affected States. All these to implement the victim's assistance and environmental remediation measures envisaged by the Treaty. The Action Plan also contemplates mobilising the United Nations system and relevant humanitarian international organisations and NGOs to create an implementation framework. Most importantly, Action 29 opens a discussion on the establishment of an *international trust fund* for affected States. *The purpose of such fund would be, inter alia, to provide aid to assist survivors and to support measures toward environmental remediation.*

These ideas no doubt inspired a cross-cutting group of UN member states: Austria, Chile, Fiji, Iran, Kazakhstan, Kiribati, New Zealand and the Philippines⁶⁶, to introduce the first General Assembly's draft Resolution on victims' assistance and environmental remediation, at its First Committee's 78th session, this year. The group of original co-sponsors include two States still suffering from the environmental consequences of past nuclear testing: Kazakhstan, where the Soviet Union performed 456 nuclear tests (at the Semipalatinsk testing ground) from 1946 to 1989; and Kiribati, a small insular republic in Oceania where the United States and the United Kingdom conducted 33 nuclear detonations between 1957 and 1962.

The sixteenth preambular paragraph of the Draft Resolution ensures the association with both the TPNW and the Vienna Action Plan with a direct reference:

Noting the humanitarian provisions on victim assistance, environmental remediation, international cooperation and assistance of the Treaty on the Prohibition of Nuclear Weapons, which entered into force on 21 January 2021, and the references to these humanitarian provisions contained in the Vienna Action Plan, adopted at the First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons on 22 June 2022, (Our underlining).

The Draft Resolution, A/C.1/78/L. 52⁶⁷ was adopted on November 3, by an overwhelming majority of 171 votes in favour with only four "no" votes (France, DPRK, Russian Federation and the United Kingdom) and six abstentions (China, Congo, India, Israel, Pakistan and the United States). It is a substantive Resolution encouraging international cooperation on the subject matter but also urging States, *which have used or tested nuclear weapons or any other nuclear explosive devices*, to participate in victim's assistance and environmental remediation, providing *technical and scientific information regarding the humanitarian and*

65 UNITED NATIONS, UNODA: *Op. Cit.* Annex II, Vienna Action Plan, Chapter III, Nº 9. *The Treaty's positive obligations are central to the humanitarian goals of the Treaty. They aim to address the harm from past use and testing of nuclear weapons as well as the ongoing and expected future harm from the resulting contamination. Articles 6 and 7 draw on similar provisions in other humanitarian disarmament treaties but they are the first of their kind in a nuclear weapons treaty. These articles are designed to address the human and environmental effects of nuclear weapons and to provide affected States parties with technical, material and financial support to further the implementation of the Treaty.*

66 All the sponsoring States of the draft Resolution L. 52 are parties to the Treaty on the Prohibition of Nuclear Weapons, except Iran.

67 UNITED NATIONS, General Assembly. Draft Resolution L.52. [UNGA_C1_Resolution_L52_2023.pdf \(wagingpeace.org\)](#)

environmental consequences of such use and testing with Member States affected by the use or testing of nuclear weapons or any other nuclear explosive devices. The text enters the politically tricky field of accountability by recognizing *that the responsibility to address the harms resulting from a detonation of using or testing a nuclear weapon or any other nuclear explosive device lies, respectively, with the Member States that have done so*⁶⁸.

The draft Resolution also calls upon Member States to contribute technical and financial assistance and calls upon Member States, in a position to do so, to proportionate technical and financial assistance, as appropriate. Finally, the Resolution included the subject matter in the provisional agenda for the General Assembly's 79th session (2024-2025). No wonder, the Bulletin of the Atomic Scientists called the Resolution "a small victory for nuclear justice"⁶⁹.

Russia. The Vienna Declaration dealt with the Russian nuclear threats in oblique fashion. Moscow's friends blocked European efforts to name the Kremlin's aggression in the clear terms drafted by the United Nation General Assembly in their pertinent Resolutions⁷⁰. However, the violation of the UN Charter involved in any threat or use of nuclear weapons is manifestly consigned.

4. We are alarmed and dismayed by threats to use nuclear weapons and increasingly strident nuclear rhetoric. We stress that any use or threat of use of nuclear weapons is a violation of international law, including the Charter of the United Nations. We condemn unequivocally any and all nuclear threats, whether they be explicit or implicit and irrespective of the circumstances⁷¹.

Universalisation of the Treaty will be one the major goals of its state parties. The TPNW community has framed this objective not just in terms of enlarged membership – while increasing the number of ratifications and accessions is an immediate challenge–. In a deeper sense, universalisation is understood as a communication offensive reaching key actors in society and the public opinion at large. This narrative-motivated conception

68 This Operational Paragraph elicited a request for a separate vote. The result was 130 in favour, 4 "no" and 33 abstentions. In this case the "West" (NATO, European Union) aligned itself with the nuclear states. Significantly, Japan voted in favour of the paragraph.

69 HUGHES, Ivana Nikolic and CIOBANU, Christian. "A small victory for nuclear justice and international cooperation", BULLETIN OF THE ATOMIC SCIENTISTS 3 november 2023 [A small victory for nuclear justice. And international cooperation. - Bulletin of the Atomic Scientists \(thebulletin.org\)](#)

70 UNITED NATIONS, General Assembly. Resolutions 68/262 of 27 march 2014, entitled "Territorial integrity of Ukraine", ES-11/1 of 2 march 2022, entitled "Aggression against Ukraine", and ES-11/2 of 24 march 2022, entitled "Humanitarian consequences of the aggression against Ukraine".

71 UNITED NATIONS, UNODA. Document TPNW/MSP/2022/6... Loc. Cit.

works in close synergy with the larger political aim of **delegitimising nuclear weapons and nuclear deterrence**⁷².

This is an ideological/doctrinal confrontation acquiring urgent salience when the sudden return of war to Europe fuels security demands leading to arms race and increased nuclear readiness, based on the premises of nuclear deterrence⁷³. In my view such strong delegitimising potential explains—at least in part—the militant opposition to the Treaty displayed by the Nuclear Weapon States (NWS)⁷⁴.

Nuclear Weapon States have engaged in active obstruction of the ban Treaty entry into force process⁷⁵ purporting, among other arguments, its incompatibility with the NPT. From their perspective, the TPNW erodes the NPT, by generating a legal alternative that weakens the latter. When the TPNW's *travaux préparatoires* are edited and published, the intention of the negotiators to avoid such scenario will be crystal clear. The eighteenth pre-ambular paragraph of the ban Treaty states, to the letter: *Reaffirming also that the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, the cornerstone of the nuclear disarmament and non-proliferation regime, has a vital role to play in the promotion of international peace and security.* Such straightforward recognition of the NPT as a “cornerstone” of the nuclear disarmament and non-proliferation regime and its role in the preservation of international peace and security—a global public good—

72 ARMS CONTROL TODAY. (First Meeting TPNW) Rebecca Davis Gibbons and Stephen Herzog [september 2022 | Arms Control Association](#) ... *there is power in narrative. Now that the TPNW is here to stay, the best advocacy strategy for proponents of the treaty appears to be pointing to the world's nuclear realities. Putin is reminding the public continuously of disturbing nuclear facts that have received only limited popular attention since the Cold War ended. All major cities in nuclear-armed states, as well as NATO states in Europe, are mere minutes from destruction by nuclear-tipped ballistic missiles. This mutual nuclear targeting has been the case for many decades, but it has had low visibility in the public sphere. The devastating consequences of any nuclear weapons use on societies, the environment, and politics would affect everyone on the planet. Governments are not the only actors that matter...* (Our underlining).

73 THE BULLETIN OF ATOMIC SCIENTISTS. “The ban treaty, two years after: a ray of hope for nuclear disarmament”: Alexander Kmentt, January 23, 2023 [The ban treaty, two years after: A ray of hope for nuclear disarmament - Bulletin of the Atomic Scientists \(thebulletin.org\)](#) *The second aspect that makes the TPNW of utmost importance is that it comes at the very moment that nuclear risks are high again and some countries are seeking to reemphasize the relevance of nuclear weapons. The TPNW, on the contrary, points to a way out of the nuclear deterrence paradigm. This is not based on idealism but on increasingly compelling evidence of the catastrophic and global consequences of nuclear weapons should this paradigm fail. Against the current backdrop of increasing nuclear risks the TPNW represents not only legitimate concerns for its members countries but also firm and realist security assessment by them. The TPNW challenges the core assumption of nuclear deterrence by highlighting that this theory is fraught with uncertainties and risks. Rather than assuming the “non-use” of nuclear weapons based on the belief in the stability of nuclear deterrence, the TPNW assumes the opposite: the instability of nuclear deterrence ultimately leads to nuclear weapons use.*

74 *Ibid.* Nº 8. *In these circumstances, the Treaty on the Prohibition of Nuclear Weapons is needed more than ever. We will move forward with its implementation, with the aim of further stigmatizing and delegitimizing nuclear weapons and steadily building a robust global peremptory norm against them.*

75 RESPONSIBLE STATECRAFT. “Great Powers sweating bullets as nuclear ban treaty turns two”, Connor Echols, January 20, 2023 [Great powers sweating bullets as nuclear ban treaty turns two - Responsible Statecraft](#)

constitutes a quasi-liturgical use of agreed language to acknowledge an almost universally accepted principle⁷⁶, a principle the Vienna Declaration promptly confirmed:

12. (...) We recognize the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the disarmament and non-proliferation regime, and deplore threats or actions that risk undermining it. As fully committed States parties to the Non-Proliferation Treaty⁷⁷, we reaffirm the complementarity of the Treaty with the Non-Proliferation Treaty. We are pleased to have advanced the implementation of article VI of the Non-Proliferation Treaty by bringing into force a comprehensive legal prohibition of nuclear weapons, as a necessary and effective measure related to the cessation of the nuclear arms race and to nuclear disarmament. (...) We reiterate our commitment to work constructively with all States parties to the Non-Proliferation Treaty to achieve our shared objectives⁷⁸. (Our underlining).

The TPNW is a political rally point for the vast majority of the United Nations member states, mostly in the South, confronted by weapons whose mere existence endangers humanity. Ambassador Alexander Kmentt, President of the First Meeting, portrays its potential with eloquent words: *While it cannot coerce anyone to give up its nuclear weapons, the treaty can provide a convincing rationale for the lack of legitimacy, legality, and sustainability of nuclear weapons through strong arguments and evidence. When most nuclear developments point in the opposite direction of nuclear disarmament (...) the TPNW is an indispensable and potentially consequential ray of hope...*⁷⁹

The Group of Governmental Experts on Nuclear Disarmament Verification Issues (GGENDV)

At a different multilateral scale, this Group of Governmental Experts provided another rare case of adoption by consensus of a substantive outcome document in a far-from-auspicious political environment.

In 2016, the United Nations General Assembly, forging ahead in the management of disarmament matters, created a Group of (25) Governmental Experts to *consider the role of verification in advancing nuclear disarmament, (aiming at) the development and strengthening of practical and effective nuclear disarmament verification measures and on the importance of such measures in achieving and maintaining a world without nuclear*

76 LABBÉ, Alfredo: “Revitalizando el multilateralismo para contener los riesgos nucleares”, agosto de 2019. Stimson Center webpage [REVITALIZANDO EL MULTILATERALISMO PARA CONTENER LOS RIESGOS NUCLEARES. FINAL \(1\).pdf \(stimson.org\)](#) *The scenario of States Parties to the NPT withdrawing from it to accede to the TPNW (a decidedly farfetched construct labelled as “forum shopping” by the ban Treaty critics) ignores the stringent requirements for withdrawal set in Article X of the NPT.*

77 All States parties to the Treaty on the Prohibition of Nuclear Weapons are parties to the NPT and -many of them- to Treaties establishing Nuclear Weapon Free Zones, such as the Treaties of Tlatelolco, Bangkok, Rarotonga, Pelindaba and Semipalatinsk.

78 UNITED NATIONS, UNODA. Document TPNW/MSP/2022/6... Loc. Cit.

79 THE BULLETIN OF ATOMIC SCIENTISTS. Loc. Cit.

weapons⁸⁰. The Group, first established by Resolution A/RES/71/67 adopted on 5 december 2016, was renewed with an expanded mandate in 2019⁸¹.

Through Resolution 74/50 the General Assembly ratified its authority on peace and security matters⁸² commending *the pioneering nature of the work of the (first) Group of Governmental Experts on Nuclear Disarmament Verification, as this represents the first time that the General Assembly established a body specifically to discuss nuclear disarmament verification* (sixth preambular paragraph [PP], emphasis added). This assertion, in my view, underpins the right of all UN member States to participate in nuclear disarmament discussions, a notion reinforced by the seventh PP, explaining that *a credible multilateral verification regime in which all States have confidence will also be essential for achieving and maintaining a world without nuclear weapons*⁸³.

Due to the pandemic, the (second) GGE had to postpone its four sessions (originally programmed for 2021 and 2022) for one year, opening in Geneva on february 21, 2022, three days before the Russian invasion of Ukraine. Its mandate consisted in further consideration of *nuclear disarmament verification issues, (...) building on the report⁸⁴ of the (first) Group of Governmental Experts on Nuclear Disarmament Verification and the views of Member States*.

Experts from seven nuclear weapon States: China, France, India, Pakistan, the Russian Federation, United Kingdom and United States were represented in GGE. Also, Algeria, Australia, Canada, Egypt, Germany, Hungary, Japan, Jordan, Kazakhstan, Nigeria, Norway, Romania, Sweden and South Africa. After being proposed by Chile, the author was designated by the UN Secretary General as one of the 25 members of both Groups of Experts. Our region was represented by experts from Argentina, Brazil, Chile and Mexico⁸⁵.

80 UNITED NATIONS, General Assembly Resolution A/RES/71/67.

81 By Resolution A/RES/74/50, adopted on 19 december 2019, with 178 votes in favour, one against (the Russian Federation) and five abstentions (Cameroon, China, Iran, Syria and Zimbabwe). See UN document A/74/PV. 46, page 33/66. All Latin American and Caribbean States present voted in favour. France, the United Kingdom and the United States also voted in favour.

82 The UNGA authority on these matters emanates from Article 11 of the UN Charter.

83 The UNGA also recognised that, *while verification is not an aim in itself, further development of the multilateral disarmament verification capabilities will be required to provide assurance of compliance with multilateral nuclear disarmament agreements for the achievement and maintenance of a world without nuclear weapons* (Res. 74/50, fourth PP). Capacity-building on nuclear disarmament verification was thus identified as a *valuable component in the nuclear disarmament process and also one of the fundamental factors determining whether the goal of verification could be effectively upheld...* (eighth PP, emphasis added). Capacity building is the empowering instrument to enable a wider participation in nuclear disarmament debates, which should not be restricted to nuclear weapon possessors. Furthermore, the General Assembly took note of the contribution from non-governmental, academic and research communities to the GGE work (tenth PP). Although in the UN language, “noting” or “taking note” is the weakest drafting formula for recognition (in the sense of incorporation or acceptance), here it provides an effective point of entry for civil society and academia to participate as advisory partners in nuclear disarmament debates under the General Assembly auspices.

84 UN document A/74/90.

85 The full list of Experts is consigned in the Report of the second GGE, contained in UN document A/78/120.

Given the timing and political circumstances, the Group faced a significant challenge. Its rules of procedure prescribed decision-making by consensus, which meant its outcome could be blocked by a single expert. The professionalism and integrity of each and every member of the Group permitted us to preserve an atmosphere of respect and cooperation throughout the four sessions, under the proactive, prudent and wise chairmanship of Jorn Osmundsen, from Norway. Differences –predictable, considering the participation of representatives from Nuclear and Non-Nuclear Weapon States, Western and Non-Aligned nations– were examined and common ground was found in spite of doctrinal and operational divergences. These were not minor ones: the Russian Federation, for instance, consistently maintained (in both incarnations of the GGE) that verification regimes are dependent to specific disarmament or arms control instruments. Therefore, nuclear disarmament verification cannot be discussed in a legal vacuum (Russia cast the single negative vote to Resolution 74/50).

In the fourth session (last may) the draft Report was discussed and finally adopted⁸⁶, after several and intensive consultations intended to allay divergences. The result was neither perfect nor completely satisfactory to everyone, but the GGE remained united and, most importantly, was able to fulfil its mandate, thus legitimizing and contributing to future discussion of nuclear disarmament issues under the aegis of the General Assembly⁸⁷.

THE NEW AGENDA FOR PEACE

Last July, within the omni comprehensive conceptual, political and operational context of the Summit for the Future⁸⁸, programmed to take place in New York in september 2024, the United Nations Secretary General, Antonio Guterres, launched “A New Agenda for Peace” (NAP)⁸⁹. This initiative informs -from an action-oriented perspective- one of five chapters of the envisaged “Pact of the Future”, to be adopted by the General Assembly next september.

The NAP was formulated after an intensive process of consultations with UN member States, intergovernmental institutions, the International Committee of the Red Cross and Red Crescent, academia (including reputed think-tanks such as the Stockholm International

86 UNITED NATIONS Document A/78/120.

87 This institutional and political bond to the General Assembly had been affirmed by operative paragraph 7 of Resolution 74/50, requiring the Chairman of the GGE to conduct informal consultative meetings with United Nations Member States, in New York, *to facilitate that all Member States could engage in interactive discussions and share their views*. The meetings took place on 29 august 2022 and 4 april 2023.

88 UNITED NATIONS. Summit of the Future: our Common Agenda [Summit of the Future Two-Pager SO-F_24Oct23 \(un.org\)](#) *The (United Nations) General Assembly decided that the Summit of the Future would take place in september 2024, building on the 2023 SDG Summit, and that its outcome would be an inter-governmentally negotiated, action-oriented Pact for the Future, comprising a chapeau and five chapters on sustainable development and financing for development; international peace and security; science, technology and innovation and digital cooperation; youth and future generations; and transforming global governance*

89 UNITED NATIONS. A New Agenda for Peace. [our-common-agenda-policy-brief-new-agenda-for-peace-en.pdf \(un.org\)](#)

Peace Research Institute[SIPRI]) and civil society organisations, taking place in New York, Geneva and Vienna (the main UN “capitals”)⁹⁰.

Some history and basic concepts. The NAP pertains to peace and security, one the three pillars sustaining the work of the United Nations. The concept and nature of such pillars is one of the contributions of the 2005 UN World Summit, that set in motion yet another effort to adapt the Organisation to better respond to new challenges. The outcome document of the Summit, contained in Resolution A/60/1, states in paragraph 9: *We acknowledge that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being. We recognize that development, peace and security and human rights are interlinked and mutually reinforcing.* (Our underlining)⁹¹. This formulation sought to resolve the false tension between the main UN objectives (purposes, in the words of the Charter⁹²) and the sometimes-conflicting approaches and courses of action taken by political groupings within the membership to address, prioritise (and therefore, fund) projects, programmes and their resulting mandates.

Since decolonisation enlarged the UN membership in the 50' and 60', increasing the number of “south” states, developing nations strove to direct the multilateral system to satisfy their pressing economic and social demands. Issues of development enriched the UN agenda while the Security Council remained basically hobbled by the Cold War until the global thaw of the early 90'. With the Cold War gone, North-South confrontation took other directions, particularly when dictatorships, authoritarian or “illiberal” regimes erected an increasingly concerted resistance to the advance of the Human Rights agenda, essaying a “balancing” act that openly or surreptitiously set economic, social and cultural rights above “western” liberties. Holistic visions of security, inspiring a “multidimensional” approach in-

90 The author was invited by the UN Undersecretary General and High Representative for Disarmament Affairs, Mme. Izumi Nakamitsu, to intervene in the informal high-level meeting on a “new vision for disarmament”, celebrated in Les Bois Chamblard, near Geneva, in april this year; he moderated Session IV: “Adapting and modernizing disarmament institutions: revitalizing, reforming or reconstituting the disarmament machinery?”. Previously, in february 2023, he had been invited to deliver the Key-Note Address at the virtual III Workshop on a new vision for disarmament in the context of developing the New Agenda for Peace organised by the UN Office on Disarmament Affairs (UNODA) and the UN Institute for Disarmament Research (UNIDIR). His intervention concentrated in the Outcome Document of the General Assembly’s First Special Session on Disarmament (SSOD-I, 1978) and its pertinence for the current stagnation of the disarmament machinery. Elements of his Key-Note Address have been incorporated in the present article.

91 The notion is reiterated by paragraph 72: *We therefore reaffirm our commitment to work towards a security consensus based on the recognition that many threats are interlinked, that development, peace, security and human rights are mutually reinforcing, that no State can best protect itself by acting entirely alone and that all States need an effective and efficient collective security system pursuant to the purposes and principles of the Charter.*

92 UNITED NATIONS CHARTER. Chapter I, Purposes and principles

corporating the demands of the human security paradigm (rather than classical collective security) were accosted as “securitisation” or even new attempts at colonisation⁹³.

The 2005 World Summit provided a sound -conceptual and operational- solution stating the interlinked (interdisciplinary) nature of multilateral grand strategy: development cannot be attained unless peace and security prevail, and these are possible only in an environment enabling and securing human dignity. In this respect, the recognition of the Human Security paradigm in its Outcome –albeit in a very watered-down formulation– provides a global vision centred in human beings and their dignity: *143. We stress the right of people to live in freedom and dignity, free from poverty and despair. We recognize that all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential*⁹⁴.

The reference to **freedom from fear** and **freedom from want**, in particular, preserves a people’s centred mission for the United Nations. These concepts were the rationale pillars of the seminal Kofi Annan’s “millennium report” titled “We the peoples: the role of the United Nations in the twenty-first century”, presented to the UN’s Millennium Assembly in 2000 (document A/54/2000)⁹⁵. The conceptual thread continued with the Secretary General’s report “In larger freedom: towards development, security and human rights for all” (document A/59/2005), that launched the reform process adopted by the 2005 World Summit. While realist-school devotees understand the UN peace and security pillar in mainly geopolitical, state (or rather big power) interest and terms, human security directs it to “the peoples”, who suffer the consequences of aggression, terrorism and conflict.

This exordium serves to illuminate from a historical perspective the New Agenda for Peace holistic, multidisciplinary and people centred approach, boldly stated in its Introduction: *Building this new multilateralism must start with action for peace, not only because war undermines progress across all our other agendas, (...) It must also rise to address myriad global threats that have locked States into interdependence, whether they desire so or not. This new multilateralism demands that we look beyond our narrow security interests. The peace that we envisage can be pursued only alongside sustainable development and*

93 Like the “responsibility to protect”, also consecrated, in paragraphs 138-140, by Resolution A/60/1 under the sub-title **Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity**. A firm support from African leaders and the courageous engagement of the General Assembly’s President, Jean Ping from Gabon made it possible to overcome the resistance from recalcitrant opponents.

94 The Chilean Delegation to the 2005 World Summit and this author (serving then as Deputy Permanent Representative to the United Nations in New York) engaged very actively in the negotiations leading to the inclusion of this paragraph, working hand in hand with like-minded Delegations, particularly Japan.

95 The notions of “freedom from want” and “freedom from fear” originated in the four freedoms proclaimed by President Franklin Delano Roosevelt in his State of the Union address of January 6, 1941: Freedom of Speech, Freedom of Religion, Freedom from Fear, and Freedom from Want, which not only convey the essence of United States liberal democracy but constitute an aspiration for all the peoples of the world, incorporated in the United Nations Charter.

human rights⁹⁶. (Our underlining. While the NAP does not refer to the older, cited instruments, its conception is clearly anchored in the enlarged understanding of peace). Later, defining this vision of multilateralism, the document elaborates further on its people-centred vocation:

For national action to sustain peace to be effective, it must be people-centred, with the full spectrum of human rights at its core. Governments must restore trust with their constituents by engaging with, protecting and helping realize the aspirations of the people that they represent. The United Nations must follow suit. Civil society actors, including women human rights defenders and women peacebuilders, play a crucial role in building trust in societies, by representing the most vulnerable or marginalized and those often unrepresented in political structures. Displaced people often face compounded levels of vulnerability, and addressing their needs requires political solutions and political will. (Page 12, our underlining).

The New Agenda for Peace is structured around a) a sombre -but not defeatist- diagnosis of the current global situation; b) a definition of principles for the collective security system (trust, solidarity, universality); c) a vision for multilateralism in a world in transition, addressing the normative dimension of the UN, the value of the means for the peaceful solution of conflict (contained in Chapter VI of the Charter), preventive diplomacy, the role of regional organizations aiming at a “networked-multilateralism”, member-state ownership processes, several current global social trends and an effective and impartial Secretariat; finally, d) a substantive set of -seventy- recommendations for action. The 70 recommendations are clustered in twelve actions, presented in five policy rubrics. These are: Prevention at the global level: addressing strategic risks and geopolitical division; Preventing conflict and violence and sustaining peace; Strengthening peace operations and addressing peace enforcement; novel approaches to peace and potential domains of conflict; and Strengthening international governance⁹⁷. We have no space here to delve in detail in a very rich and lucid text, but we strongly recommend its study to all serious international security students and practitioners.

Among the principles spotlighted by the New Agenda for Peace, **trust** is really foundational for international security. In the NAP’s formulation (page 8): *Trust is the corner-*

96 UNITED NATIONS. A new Agenda for Peace. p. 3. There is a sense of urgency in the Introduction, reflecting the dire state of international security affected by the great power competition confronting China and the United States and the aggressive action taken by other (lesser) powers to advance their national interests: *Today, the national security doctrines of many States speak of intensifying geostrategic competition in the decades to come. Military expenditures globally set a new record in 2022, reaching \$2.24 trillion. Arms control frameworks and crisis management arrangements that helped stabilize great power rivalries and prevent another world war have eroded. Their deterioration, at the global as well as the regional level, has increased the possibility of dangerous standoffs, miscalculations and spirals of escalation. Nuclear conflict is once again part of the public discourse. Meanwhile, some States have embraced the uncertainties of the moment as an opportunity to reassert their influence, or to address long-standing disputes through coercive means.* p. 4.

97 One needs to note the conceptual linkages with the first “Agenda for Peace: preventive diplomacy, peace-making and peace-keeping” introduced by then Secretary General Boutros Boutros-Ghali in 1992, systematising the Organisation’s work in preventive diplomacy and peace-keeping operations. The NAP is far-reaching by comparison, responding a more complex historical juncture.

stone of the collective security system (in fact, of any security system, including one founded upon human security). In its absence, States fall back to their basic instinct to ensure their own security, which, when reciprocated, creates more insecurity for all. This is in fact another way to portray the security dilemma, which sets off after unilateral attempts at ensuring the upper hand which, in turn, provoke a concurrent reaction in neighbours or global rivals.

All arms races stem from the lack of trust and geopolitical competition, and there is no doubt the world is now witnessing not just a renewed nuclear weapons/delivery systems race, but a conventional arms race extending to new theatres, such as outer space and cyber space, and involving new technologies which already defy a genuine application of International Humanitarian Law. The Secretary General states (page 8) that collective security is negatively affected by the neglect of trust, solidarity and universality, indicating that multilateral action for peace has to be grounded on these principles, *taken together and carried forward by all States, and within states.*

Such action opens significant opportunities for middle and small powers from the North and the South acting in like-minded frameworks to restore the tissue of understanding and cooperation. As a global public good, international security is indivisible and every State has a measure of power, whether hard, soft or smart, to contribute to the common endeavour of regenerating an environment of cooperation, conducive to peace.

Nuclear disarmament. Action 1 of the New Agenda for Peace posits the elimination of nuclear weapons: *Member States must urgently reinforce the barrier against the use of nuclear weapons (...) the existential threat that nuclear weapons pose to humanity must motivate us to work towards their total elimination.* The NAP naturally feeds on the Secretary General's 2018 Agenda for Disarmament (which we considered in our previous article, specifically when dealing with the paradigm of General and Complete Disarmament⁹⁸). The NAP's rationale bears a striking resemblance with ideas and preventions posited by States parties and signatories to the Treaty on the Prohibition of Nuclear Weapons in their Vienna Declaration⁹⁹.

The recommendations proposed to implement NAP Action 1 cover the main –and more pressing– questions involved in nuclear disarmament. We transcribe them with alongside comments in blue:

- **Recommit urgently to the pursuit of a world free of nuclear weapons and reverse the erosion of international norms against the spread and use of nuclear weapons.** (This

98 LABBÉ. 2022. *Op. Cit.* p. 156. On nuclear weapons the 2018 Agenda for Disarmament was equally straightforward: *The existence of nuclear weapons poses a continuing threat to the world. Their total elimination can only be attained through reinvigorated dialogue and serious negotiations and a return to a common vision leading towards nuclear disarmament. The States that possess nuclear weapons must take steps to reduce all types of nuclear weapons, ensure their non-use, reduce their role in security doctrines, reduce their operational readiness, constrain the development of advanced new types, increase transparency of their programmes and build mutual trust and confidence. All States must work together to achieve concrete and irreversible steps to prepare for a world free of nuclear weapons... [sg-disarmament-agenda-pubs-page.pdf](#)*

99 UNITED NATIONS. A New Agenda for Peace. p. 16. *In an era of global fragmentation, where the risk of bifurcating politics, economies and digital spheres is acute, and where nuclear annihilation and a third world war are no longer completely unthinkable, we must step up our global prevention efforts.*

would entail abandoning the current race of nuclear expansion and modernisation among the Nuclear Weapon possessor States).

- Pending the total elimination of nuclear weapons, for States possessing nuclear weapons, commit to never use them. Take steps to avoid mistakes or miscalculations; develop transparency and confidence-building measures; accelerate the implementation of existing nuclear disarmament commitments; and reduce the role of nuclear weapons in national security strategies. Engage in dialogue on strategic stability and to elaborate next steps for further reductions of nuclear arsenals. (This requires the reaffirmation or adoption of no-first use policies and/or the elevation of the threshold for nuclear use in deterrence doctrines. Also, an effective implementation of the 2010 Action Plan of the VIII NPT Review Conference).
- States with the largest nuclear arsenals have a responsibility to negotiate further limits and reductions on strategic nuclear weapons. (This points, at the very least to the resumption of dialogue between the Russian Federation and the United States to further extend or re-negotiate the New START Treaty, partially suspended by Moscow).
- For the Security Council, commit to the imposition of punitive measures to restore international peace and security for any use of or threat of use of nuclear weapons, consistent with its mandate. (This collides with the aggressive stand taken by Russia and its nuclear sabre-rattling, as we have seen in the first part of this article. But it must be said).
- Reinforce the non-proliferation regime through adherence to the highest nuclear safeguards standards, ensuring that they keep pace with technological developments and ensure accountability for non-compliance with non-proliferation obligations. Strengthen measures to prevent the acquisition of weapons of mass destruction by non-State actors. (This recommendation applies to all Sates, including a continuation of multilateral efforts to strengthen the nuclear security architecture)¹⁰⁰.

The New Agenda for Peace does not contain a direct reference (or elaboration) to the Treaty for the Prohibition of Nuclear Weapons, but the recommendations and the Vienna Declaration are mutually reinforcing. Consequently, parties and signatories of the TPNW ought to be in the first line of diplomatic action to advance the NAP.

But the advancement of the New Agenda for Peace or, for that matter, any consequential multilateral effort towards a world without nuclear weapons will necessitate a serious reform of the governance mechanisms for international security.

The indispensable reform of the disarmament machinery. Action 12 in the New Agenda for Peace seeks to *build a stronger collective security machinery*. Its scope is wide, encompassing main organs and subsidiary bodies with responsibilities for the preservation of international peace and security: the Security Council, the General Assembly and the Peacebuilding Commission (created by the World Summit in 2005). Of these we shall con-

100 Nuclear security refers to forcible (or hard) threats to nuclear facilities and materials, including the prevention of nuclear terrorism.

centrate on the *revitalisation of the* General Assembly, the legal and political venue most apt to operate the envisaged change in the disarmament machinery.

The NAP recognises that *some disarmament institutions have been deadlocked for more than two decades, hindering the ability of Member States to manage threats in traditional as well as new domains. Therefore, urgent action to revitalize these institutions is needed.*

The General Assembly has a critical role to play, based on its strong legitimacy and universal membership, to address a range of peace and security challenges and exercise its powers under Articles 10 to 14 of the Charter. This role can be particularly important when the Security Council is unable to fulfil its primary responsibility for the maintenance of international peace and security.

Recommendations (related to the disarmament machinery)¹⁰¹

- The General Assembly should exercise its primary role for substantive deliberations in the field of disarmament, in accordance with its rules of procedure and practice. The General Assembly should also agree on standards for the participation of other stakeholders in the work of its subsidiary organs in the field of disarmament. (This entails opening disarmament bodies to the participation of civil society and academia according to current multilateral practice [such as in the TPNW]. The disarmament machinery is the less NGO-friendly segment in global governance).
- Reform the disarmament machinery, including the Conference on Disarmament and the Disarmament Commission, in order to optimize their respective roles, including to build consensus progressively on evolving disarmament priorities and review and make recommendations on developments in science and technology and their potential impact on disarmament and international security. (If taken seriously, this recommendation ought to be materialised through normative action taken by the General Assembly. The Conference on Disarmament is the institution deadlocked for more than two decades. Its rules

101 UNITED NATIONS, Office for Disarmament Affairs: An agenda for disarmament, 2018: *In 1978, the first special session of the General Assembly devoted to disarmament revitalized and established the forums that constitute the United Nations disarmament machinery: ► The General Assembly, through its First Committee, has remained the main deliberative organ on matters of disarmament and related international security questions—it has pursued its function through a variety of ad hoc bodies, including governmental expert groups, open-ended working groups and conferences. ► The Disarmament Commission was re-established, as a successor to the Commission created in 1952, as a deliberative body and subsidiary organ of the General Assembly with the function to consider and make recommendations on various problems in the field of disarmament. ► The Conference on Disarmament, building upon the various negotiating bodies that had functioned since 1962, was recognized as the single multilateral disarmament negotiating forum, of limited size and taking its decisions by consensus. ► The Secretary-General was requested to establish the Advisory Board on Disarmament Matters, which has a current mandate to advise on matters within the area of arms limitations and disarmament, including on studies and research within the United Nations system. ► The General Assembly subsequently established the United Nations Institute for Disarmament Research as an autonomous institution for the purpose of undertaking independent research on disarmament and related problems, particularly international security issues.*

of procedure -consensus conceived as the equivalent of veto by any member State- preclude change from within).

- Establish an intergovernmental process to discuss how to achieve the above goals and consider the role, timing and preparations of a special session of the General Assembly on disarmament. (This is the most powerful recommendation in this section of the NAP, as we will procure to demonstrate in the following section).

The first General Assembly Special Session devoted to Disarmament, 1978 (SSOD-I).

Forty-five years have elapsed since the First Special Session of the General Assembly devoted to Disarmament¹⁰². Acclaimed as a diplomatic success, convening a substantial participation of world leaders and senior diplomats, setting political standards which remain valid and pertinent today, SSOD-I took place at a turbulent historical juncture, governed by the tidal forces of the Cold War, and in the midst of an unrelenting arms race which had pushed the numbers of nuclear warheads to more than 50.000, enough to erase life on the planet several times¹⁰³.

Some current analysis, centring on great power competition and the re-emergence of cold war, points to the enhanced weight of the so-called “global south”, reluctant to take sides and more interested in global cooperation and multilateral diplomacy. It seems useful, therefore, to recall that the SSOD-I was a political product of the Non-Aligned Movement, alarmed not just by the prospect of nuclear annihilation but discomfited by the immense resources devoured by the arms race, depriving developing states of means for economic growth and social advancement.

The political initiative, motioned by the Non-Aligned movement, was facilitated by able diplomats, who mustered the patience and professional dexterity to build consensus. And it was a Latin-American, Ambassador Carlos Ortiz de Rozas from Argentina, who conducted the 54-member Preparatory Committee with elegance and determination, providing the plenary with a draft which -in spite of containing a “forest of brackets”¹⁰⁴- served as a useful basis for negotiation.

The First Special Session’s Final Document. This seminal instrument, adopted four decades ago under political circumstances no less complex than the current juncture, embodies a solid consensus, formulated through statements, reflexions and principles with the cogency of lasting pillars¹⁰⁵.

102 This was the Tenth Special Session of the General Assembly, but the first devoted to disarmament.

103 An excellent introduction to the subject of General Assembly Special Sessions on Disarmament is found in a publication by the UN Office of Disarmament Affairs. UNODA Occasional Papers, Nº 29, october 2016: “Bringing democracy to disarmament: A historical perspective on Special Sessions of the General Assembly devoted to disarmament”. Dr. Randy Rydell UNODA Occasional Papers – No. 29, October 2016 – UNODA

104 UNODA: *Op. Cit.* p. 12.

105 UNITED NATIONS. Resolution A/S-10/4 NR075340.pdf (un.org) General Assembly Resolutions are politically binding for UN member States. Those adopted by consensus are politically binding for all the membership. Some of them evolve into customary International Law.

Paragraph 1, read against the background of the Russian invasion of the Ukraine, remains utterly pertinent: *States have for a long time sought to maintain their security through the possession of arms. Admittedly, their survival has, in certain cases, effectively depended on whether they could count on appropriate means of defence*¹⁰⁶. *Yet the accumulation of weapons, particularly nuclear weapons, today constitutes much more a threat than a protection for the future of mankind.* These words, adopted by consensus and thus carrying full politically binding authority, retain their sombre impact today, when the spectre of nuclear weapons use has been awakened by the Russian invasion of Ukraine.

An outcome of profound significance from SSOD-I is its understanding of peace and security as a global public good¹⁰⁷. In other words, a conception of security resting not upon the accumulation of weapons -the offspring of the *security dilemma*- but on cooperation: *The time has therefore come (...) to abandon the use of force in international relations and to seek security in disarmament, that is to say, through a gradual but effective process beginning with a reduction in the present level of armaments. (...) To meet this historic challenge is in the political and economic interests of all the nations and peoples of the world as well as in the interests of ensuring their genuine security and peaceful future.*

It is a fact that –even before the Ukrainian war¹⁰⁸– the nuclear arms race had reignited, not yet with the frenzy displayed in the '70 and the '80, but with all the technological impetus of the fourth industrial revolution. Add to that the explosion in military expenditure triggered by the Russian aggression (US\$ 2,24 **trillion** in 2022). Thus, in order to allocate the vast resources demanded by climate change mitigation and adaptation, it is imperative to reclaim the broad concept of peace enshrined in the UN Charter and permeating the final document of SSOD-I. Such notion leads to the paradigm of Human Security, a conception of security *giving primacy to human beings*, incompatible with the very existence of weapons capable to efface life from the surface of our planet.

This is the powerful message of paragraph 13, containing a vision of disarmament: *Enduring international peace and security cannot be built on the accumulation of weaponry by military alliances nor be sustained by a precarious balance of deterrence or doctrines of strategic superiority. Genuine and lasting peace can only be created through the effective implementation of the security system provided for in the Charter of the United Nations and the speedy and substantial reduction of arms and armed forces, by international agreement and mutual example, leading ultimately to **general and complete disarmament** under effective international control.*

Furthermore, the SSOD-I Outcome document contains an unequivocal reaffirmation of **General and Complete Disarmament** (GCD), as a fundamental component of such vision¹⁰⁹.

106 For example, the abundant means of defence supplied to Kyiv by the West, a crucial contribution for the preservation of Ukraine's political independence and territorial integrity.

107 Although such formulation is not used in the Outcome Document's text.

108 As we have seen in my previous article, LABBÉ. 2022. *Op. Cit.* p. 130.

109 The formulation is also present in Article VI of the Non-Proliferation Treaty: *Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.*

The 2018 UN Agenda for Disarmament, states that “*General and complete disarmament*”, a term coined nearly a century ago, remains the ultimate objective of the United Nations in the field of disarmament. It is now critical for the international community to reconceptualize this fundamental goal so that disarmament actions, making use of all the measures available in the toolbox, clearly contribute to human, national and collective security in the 21st Century¹¹⁰. Now, General and Complete Disarmament is not a utopic goal to suppress all militaries, but an imperfect -and thus badly misinterpreted- formulation to convey the idea of achieving, progressively, a state of **undiminished** security for all, at the **lowest possible** level of armaments and military forces¹¹¹. The principle of “undiminished security for all” is indeed another major outcome of SSOD-I, frequently invoked in disarmament debates¹¹².

Properly understood, all states have incentives to promote GCD as a universal security paradigm but, especially, nations from the South, disproportionately affected by global scourges such as climate change, pandemics, famine and mass displacement requiring massive financial remedies. And it is in this context that the Outcome document asserts the *close relationship between disarmament and development*¹¹³.

Another key contribution from SSOD-I is the principle that **all States are entitled to advance the disarmament agenda**. This notion of inclusiveness¹¹⁴ runs contrary to the adjacent, prevalent idea that disarmament is a big power domain. True, Article VI of the NPT had established that all states parties have a measure of responsibility in achieving nuclear disarmament, but the Final Document is explicit: 28. *All peoples of the world have a vital interest in the success of disarmament negotiations. Consequently, all States have the duty to contribute to efforts in the field of disarmament. All States have the right to participate in disarmament negotiations. They have the right to participate on an equal footing in those multilateral disarmament negotiations which have a direct bearing on their national security.* (Note a quasi-crescendo: “vital interest”, “the duty”, “the right”, “equal footing”).

110 We reviewed the concept of General and Complete Disarmament in our previous article LABBÉ. 2022. *Op. Cit.* p. 139.

111 As envisaged in paragraph 29 of the SSOD-I's Outcome Document.

112 In such environment of *undiminished security for all*, United Nations member states would nevertheless retain military capabilities to ensure their *inherent right of individual or collective self-defence*, recognised by article 51 of the UN Charter. Moreover, UN Member States should **maintain armed forces** for combined international enforcement operations, to contribute to those coercive actions authorised by the Security Council to preserve international peace and security and redress acts of aggression, as provided by articles 42, 43 and 45 of the Charter.

It is obvious that these *air, sea, or land forces* envisaged by Chapter VII of the Charter ought to be **maintained** in a state of readiness made possible by timely and adequate procurement of lawful means of defence, plus the level of expertise and training which can be ensured only by professional armed forces furnished by Member States.

113 SSOD-I. Outcome Document: Paragraph 35. *There is also a close relationship between disarmament and development. Progress in the former would help greatly in the realization of the latter. Therefore resources released as a result of the implementation of disarmament measures should be devoted to the economic and social development of all nations and contribute to the bridging of the economic gap between developed and developing countries.* (One can safely identify this drafting as a contribution from the Non-Aligned Movement).

114 Another manifestation of the implicit idea of international security as a global public good.

The reform of the disarmament machinery and the need for a Fourth Special Session devoted to Disarmament (SSOD-IV)

Apart from its enduring political validity, SSOD-I remains the institutional foundation for the disarmament machinery. This is the machinery which the Secretary General endeavours to reform in Action 12 of the New Agenda for Peace, including through *a special session of the General Assembly on disarmament*.

Bodies in the disarmament machinery adopt decisions by consensus¹¹⁵. Its justification is the alleged need to ensure the engagement of all major/relevant States in treaties, instruments, and decisions dealing with international security which, by their nature, affect the vital interests of big powers. The consensus rule is interpreted in the most restrictive way: for example, any one of the current 65 members of the Conference on Disarmament (CD) can block a decision (although in reality this veto right of sorts is exercised only by large powers). A narrow view of national interests has led to the abuse of the rule of consensus; and consequently, the CD has remained deadlocked for twenty-five years, unable even to adopt a programme of work.

Consensus, which should remain as a desired outcome in every multilateral initiative, and the rule of consensus are very different things. It was the abuse of the rule of consensus and the lack of progress in the fulfilment of nuclear disarmament obligations –united to a deeper moral awareness about the humanitarian dimension of nuclear disarmament– that prompted a majority of UN members to circumvent the Conference of Disarmament and locate the negotiation and adoption of the Treaty on the Prohibition of Nuclear Weapons directly in the General Assembly. So, first with the Ottawa and the Oslo Conventions (banning antipersonnel landmines and cluster munitions) and later with the TPNW the majority of UN member States have somehow defanged the “consensus taboo” hobbling disarmament.

A fourth General Assembly Special Session devoted to Disarmament should address the procedural (and other) obstacles hindering the machinery first, by reasserting the General Assembly’s institutional authority in disarmament matters¹¹⁶.

115 In paragraph 120 of SSOD-I outcome document we read: *The Assembly is deeply aware of the continuing requirement for a single multilateral disarmament negotiating forum of limited size taking decisions on the basis of consensus. It attaches great importance to the participation of all the nuclear-weapon States in an appropriately constituted negotiating body, the Committee on Disarmament (later the Conference on Disarmament). The Assembly welcomes the agreement (...) that the Committee on Disarmament will be open to the nuclear-weapon States, and thirty-two to thirty-five other States (...) that the membership of the Committee on Disarmament will be reviewed at regular intervals; that the Committee on Disarmament will be convened in Geneva not later than January 1979 (...) and that the Committee on Disarmament will: (a) Conduct its work by consensus; (b) Adopt its own rules of procedure (Our underlining).*

116 As stated by the SSOD-I Outcome document in its paragraph 115: *the General Assembly has been and should remain the main deliberative organ of the UN in the field of disarmament and should make every effort to facilitate the implementation of disarmament measures.* (Our underlining).

The General Assembly is the only universal body endowed with both the legal mandate (Article 11 of the UN Charter¹¹⁷) and the political legitimacy to adopt and sustain a normative framework for “*undiminished security at the lowest possible level of armaments...*” One of the crucial recommendations in the New Agenda for Peace is therefore the initiation of the process leading to SSOD-IV. The present exacerbation of geopolitical tension and armed conflict makes this goal not just necessary but urgent.

As pointed out by Dr. Randy Rydell¹¹⁸, an SSOD is about **bringing democracy to disarmament**. I would add that it is also about empowering majorities in the international community to balance power politics. And this is enhanced by the rules of procedure of the General Assembly, allowing for voting (requiring sometimes two third majorities)¹¹⁹: without the democratic possibility of asserting the rights of a solid majority, the TPNW would not exist.

Moreover, an SSOD-IV would create spaces for debate, dialogue, awareness raising and understanding. Also, as a live learning exercise, it would help new generations of “disarmists” to connect with the past, to understand better the United Nations potential and to illuminate old problems with the cognitive and political insights developed, for instance, by climate change and gender diplomacy.

Multilateral diplomacy is all about process, and process needs to be sustained along decades, including through “festivals” such as a special session of the General Assembly, charged with philosophical, political, legal and liturgical questions and challenges.

During the consultations organised by the UN Office of Disarmament Affairs to prepare the launching of the New Agenda for Peace the notion of a “new vision for disarmament” was discussed. My position on the matter was that the Outcome document of SSOD-I contains the conceptual and legal foundations of the United Nations vision on disarmament. Such vision, framed in the rich and expansive language of its day, has been complemented by documents such as the Agenda for Disarmament and the New Agenda for Peace, incorporating the peculiar challenges of our times, among them new and disruptive technologies, amidst continuous social evolution.

We need a Special Session on Disarmament for this pressing and troubled hour, riding on the General Assembly as the democratic vehicle through which “we, the peoples” can manifest our genuine vocation for peace and cooperation.

117 UNITED NATIONS Charter: Article 11. 1 *The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and to make recommendations with regard to such principles to the Members or to the Security Council or to both.*

118 UNODA. *Op. Cit.* p. 56.

119 UNITED NATIONS. GENERAL ASSEMBLY: Rules of Procedure, New York, 2020. XII Plenary Meetings: Conduct of business. Voting, Rules 82 to 95. Rule 83: *Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, (...), the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members,(...), and budgetary questions. (Our underlining) [A_520_Rev.20.pdf \(un.org\)](#)*

CONCLUSIONS

At a time when the international landscape turns increasingly gloomy -events in Gaza igniting again the ever-unstable Middle East cauldron- peace loving members of the international community need to act to restore communication, leading to renewed diplomatic dialogue and eventually, bilateral and multilateral negotiation.

Middle and small powers have important political resources to mobilise, including their civil societies, to nudge and even pester big powers into communication. Ultimately, diplomacy may restore the levels of trust needed for peaceful coexistence: a new *détente* is possible. The multilateral system needs support and engagement from all stakeholders in international security, not just States.

The multilateral system is a shared, common resource we need to uphold and stir. As the Secretary General proclaims in his *New Agenda for Peace* *a majority of States remain deeply invested in the multilateral system as essential to secure their sovereignty and independence, as well as to moderate the behaviour of major powers*¹²⁰. (Our underlining).

The “interlocking” threats defying humanity and the interdependence which bind us all, big and small, must serve as incentives and drivers for cooperation. And we have venues and instruments serving as rallying points and platforms for action: in particular, the Treaty on the Prohibition of Nuclear Weapons stands out as -mainly- a political construct serving the security interests of Non-Nuclear Weapon States, whose survival is threatened by the mere existence of atomic bombs.

International law is on the side of our majority. It sustains the paradigms of humanitarian disarmament and ultimately, human security.

Countries from the “global South”, through their many multilateral compacts and partnerships (such as the Non-Aligned movement and the G-77, but also via flexible, cross-cutting configurations) have real capacities to defend multilateralism and engage in several, overlapping initiatives and campaigns aimed at overcoming global threats and challenges. In particular, we have a deep interest in advancing the NAP, among other reasons, **to forestall the appalling increase in military expenditures, deviating resources needed to mitigate the slow brewing climate change catastrophe.**

Chile has always played a creative, consensus-building role in multilateral arenas: our diplomacy ought to be found in the front multilateral lines. This requires working with all multilateral actors and stakeholders, from “the North” and “the South” and, especially, with the vibrant nuclear disarmament civil society community.

Consequently, our diplomacy needs to elevate nuclear disarmament, non-proliferation and security to the levels of priority required by the current, dangerous juncture. The following actions would serve that purpose:

- a) Signal, to the Secretary General and the international community, our decision to engage in active support of the New Agenda for Peace, contributing to the implementation of its Actions and Recommendations.

120 UNITED NATIONS. *A New Agenda for Peace*. p. 4. (Our underlining).

- b) In appropriate alliance with the Secretariat and relevant academia, stimulate the creation of focused NAP like-minded groups, considering the possibility to mobilise the NPDI in its support.
- c) Action 12 and, in particular, the convening of a Fourth Special Session of the General Assembly devoted to Disarmament, will require intensive multilateral mobilisation.
- d) Continue animating the expansion of the General Assembly's role in the peace and security pillar. The two Groups of Governmental Experts on Nuclear Disarmament Verification provide an example of successful expansion.
- e) Actively participate in the next review cycle of the Treaty on the Non-Proliferation of Nuclear Weapons; among other avenues, through the Nuclear Non-proliferation and Disarmament Initiative (NPDI)¹²¹, the De-Alerting Coalition and all other like-minded groups motivated by the imperative to implement the nuclear disarmament initiatives included in the outcomes of the 200 and 2010 Review Conferences.
- f) Intensify our participation in the activities of the Treaty on the Prohibition of Nuclear Weapons. Contribute to its universalisation -starting with our own region- and work for the materialisation of the Vienna Action Plan.
- g) Incorporate the New Agenda for Peace in relevant multilateral and bilateral consultations in our region and beyond.

121 For a description of the NPDI, see my previous article LABBÉ. 2022. p. 139. For the De-alerting Coalition, note 112 in p. 157. Nuclear Order under Stress • Stimson Center

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ANNEX

Statement by members of the Council on Foreign and Defense Policy (Russian Federation)

Recently, there have been speeches and statements, including by a number of SVOP members, in which, albeit with numerous reservations, the idea of Russia launching a preventive nuclear strike in the negative scenario of the development of hostilities in Ukraine and in the territories adjacent to it is spread. Moreover, the authors do not limit themselves to the flight of fantasy about the use of tactical nuclear weapons on the territory of Ukraine, but also propose to hit (...) NATO countries.

We are well aware of the results of long-standing and modern studies of the possible damage caused by such a war. To hope that a limited nuclear conflict can be managed and prevented from escalating into a global nuclear war is the height of irresponsibility. This means that the destruction of tens and perhaps even hundreds of millions of people in Russia, Europe, China, the United States and other countries is at stake. This is a direct threat to humanity in general.

For our country, destroyed in the course of such a catastrophe, for our people, disorganized by such a war, it would also mean the prospect of losing sovereignty under the pressure of the surviving peoples of the South.

It is unacceptable to use pseudo-theoretical arguments and emotional statements in the style of the so-called “talk shows” to form such moods in society that can push them to make catastrophic decisions.

These are no longer theoretical concepts. This is not only a direct threat to all of humanity, but also a very concrete proposal to kill everyone we care about and love.

We, the members of the Council on Foreign and Defense Policy, consider such proposals absolutely unacceptable and unequivocally condemn them.

No one should ever blackmail humanity with the threat of the use of nuclear weapons, much less give the command to use them in combat.

We invite all members of the SVOP to subscribe to this Statement.

SVOP members:

- Adamishin Anatoly Leonidovich
- Arbatov Aleksey Georgievich
- Arbatova Nadezhda Konstantinovna
- Belkin Aleksandr Anatolyevich
- Bovt Georgiy Georgovich
- Borovik-Khilchevskaya Veronika your'evna

- Vysotskiy Aleksandr Mikhailovich
- Golts Aleksandr Matveevich
- Gurevich Vladimir Semenovich
- Dvorkin Vladimir Zinov'evich
- Dubinin Sergey Konstantinovich
- Dymarskiy Vitaliy Naumovich
- Zakharov Aleksandr Vladimirovich
- Zolotarev Pavel Semyonovich
- Kaspe Svyatoslav Igorevich
- Koshlyakov Lev Sergeevich
- Lomakin-Rumyantsev Ilya Vladimirovich
- Lukin Vladimir Petrovich
- Mndoyants Sergey Ashotovich
- Muzykanskiy Aleksandr Ilyich
- Murashev Arkadiy Nikolaevich
- Oznobishchev Sergey Konstantinovich
- Rubanov Vladimir Arsenevich
- Ryurikov Dmitriy Borisovich
- Savostyanov Evgeniy Vadimovich
- Tsyplyaev Sergey Alekseevich
- Entin Vladimir Lvovich
- Yurgens Igor your'evich