



**Civil Society Submission to the United Nations
Department of Political and Peacebuilding Affairs
Regarding a "New Agenda for Peace"**

LAWYERS COMMITTEE ON NUCLEAR POLICY

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Founded in 1981, LCNP is a nonprofit educational association of lawyers and legal scholars that engages in research and advocacy in support of the global elimination of nuclear weapons and a more just and peaceful world through respect for domestic and international law. LCNP serves as the United Nations office of the International Association of Lawyers Against Nuclear Arms.

Introduction

In response to the call for civil society organizations to share priorities and recommendations for a "New Agenda for Peace" ("the Agenda"), Lawyers Committee on Nuclear Policy offers the following comments, addressing in particular the commitments to (1) promote peace and prevent conflicts; and (2) abide by international law and ensure justice.

Promote Peace and Prevent Conflicts

Reducing strategic risks is particularly crucial to promoting peace and preventing conflicts, given the increasing nuclear risks we face today. **The New Agenda for Peace should emphasize the need for states to renew good faith negotiations for nuclear arms control, particularly given the rapid rise in disruptive emerging technologies.**

It has been more than half a century since the Nuclear Non-Proliferation Treaty states parties committed themselves to ending the nuclear arms race “at an early date” and negotiating the elimination of nuclear arsenals. This delay was always unjustified and dangerous, but now the danger is increasing rapidly, and we need urgent action.

The reckless increase in nuclear threats and inflammatory, sometimes illegal, rhetoric—persistent in the context of Russia’s war of aggression against Ukraine—indicate that the lessons of the Cuban Missile Crisis are being forgotten. Furthermore, developments in disruptive emerging technology are narrowing the window of time available for the negotiation of effective nuclear arms control agreements.

Reliance on mutual “deterrence” has always carried with it a grave risk of war by accident or miscalculation; several times, human or machine error has brought the world within minutes of accidental nuclear war.¹ Now, emerging disruptive technology is severely increasing that danger and soon might make effective nuclear arms control agreements impossible. Such tenuous “stability” as the deterrence system provides has always depended on confidence in the survivability of retaliatory capabilities, and that is now being called into serious question.

Leading arms control experts are warning that developments in sensing technology, big data analysis, artificial intelligence, and quantum computing “may enable real time tracking and targeting of mobile nuclear missiles and in the future even submarines,” and that “even the stealthiest or most well protected nuclear weapons will become vulnerable in the future.”² In

¹ See William J. Perry and Tom Z. Collina, *The Button: The New Nuclear Arms Race and Presidential Power from Truman to Trump*, Ben Bella Books 2020, pp.59-65.

² Rose Gottemoeller, “[The Case against a New Arms Race](#),” *Foreign Affairs*, 9 August 2022.

October 2022, a report involving 30 international experts,³ funded by the German Foreign Office, summarized these concerns and warned that arms control efforts “face an uphill battle” because of rapid technological development. These circumstances raise the urgency with which serious Article VI negotiations must begin.

We hope that the New Agenda for Peace will also call upon the nuclear weapon states to reduce the risk of accidental war by taking nuclear missiles off “high alert” or “launch on warning” status. For years, the General Assembly has been passing resolutions to this effect, each adopted by overwhelming majorities, with four nuclear weapon states casting the only negative votes.⁴ In thus disregarding world opinion, the nuclear weapon states are endangering not only their own populations but all of humanity.

The Agenda should also address the increasing and dangerous trend among nuclear weapon states to think and speak of “tactical” or “low-yield” nuclear weapons as just another tool in the military’s kit, to be integrated into regular national security planning. This frame of mind threatens to weaken the taboo against any actual nuclear use, which has lasted since 1945. It rests on the risky delusion that escalation can be controlled once the nuclear threshold is crossed. In 2018, NATO staged major military exercises that included war gaming various scenarios of “limited” nuclear war. The then-commander of U.S. strategic forces said of the result: “It ends bad. And the bad meaning it ends with global nuclear war.”⁵

Using, or threatening to use, even a “tactical” nuclear weapon would violate international humanitarian law, because of the inability to comply with such requirements as distinction between civilian and military targets and avoiding lasting harm to the environment.⁶

We further urge the Agenda to prioritize drawing attention to the massive scientific evidence on nuclear winter and nuclear famine, both of which would follow a full-scale nuclear war. A study released in August 2022 by Rutgers climate scientists found that hundreds of millions of deaths from blast, fire, and radiation would be only the beginning, and that five

³ Marina Favaro, Neil Renic, and Ulrich Kühn, “[Negative Multiplicity: Forecasting the Future Impact of Emerging Technologies on International Stability and Human Security](#),” Institute for Peace Research and Security Policy at the University of Hamburg, September 2022; See also, e.g., Sylvia Mishra, Katarzyna Kubiak, and Graham Stacey, “[New Technologies, Complexity, Nuclear Decision Making and Arms Control](#),” European Leadership Network, June 2021.

⁴ [A/RES/77/74](#), 15 December 2022.

⁵ Ariel Levite and George Perkovich, “[To Avert Armageddon, Push for a Cease-Fire in Ukraine](#),” *Foreign Policy*, 12 October 2022.

⁶ See, e.g., Charles J. Moxley Jr., John Burroughs, and Jonathan Granoff, “[Nuclear Weapons and Compliance with International Humanitarian Law and the Nuclear Non-Proliferation Treaty](#),” *Fordham International Law Journal* (Vol. 34, No. 4, 2011).

billion people would subsequently die from hunger.⁷ Smoke and soot from firestorms would linger in the atmosphere for years, drastically lowering temperatures and causing massive crop failures. Even a much smaller nuclear war between India and Pakistan is calculated to cause two billion hunger deaths. Another scientific study released last summer calculates the effects of nuclear war on the ocean.⁸ It finds that, in addition to the massive crop failures noted above, the “nuclear cooling event” would decimate marine life and massively expand sea ice, ushering in a “Nuclear Little Ice Age.”

This scientific evidence shows that nuclear war would be not only illegal and immoral, but also suicidal. Thus far, the nuclear weapon states have dealt with this evidence by simply ignoring it. They should not be permitted to do so any longer.

Another grave issue for the New Agenda is presented by the climate crisis. Nuclear disarmament and climate protection are inextricably intertwined, and to seriously reduce strategic nuclear risks, climate change must be addressed and climate conflicts prevented. The nuclear arms race is not only a threat in itself to human survival; it is also consuming the resources needed to avert climate catastrophe. The “least diversion to armaments of economic and human resources”⁹ has always been an aspirational goal of the United Nations, but now the climate emergency makes it an urgent necessity.

Mounting evidence shows that the climate crisis is even worse than previously believed, that present efforts are falling far short of the goals, and that the costs of emission reduction and adaptation will be enormous.¹⁰ Although COP 27 focused primarily on damage to developing countries, which have done much less to create the problem, advanced industrial nations also face threats of severe (and extremely expensive) climate damage.¹¹

Climate change and the prospect of increasing conflict over resources also increase the danger of nuclear war. For example, India and Pakistan, two nuclear weapon states that have fought three

⁷ Xia, Lili, Alan Robock, Kim Scherrer, Cheryl S. Harrison, Jonas Jägermeyr, Charles G. Bardeen, Owen B. Toon, and Ryan Heneghan, 2022: “[Global food insecurity and famine from reduced crop, marine fishery and livestock production due to climate disruption from nuclear war soot injection](#),” *Nature Food*, 15 August 2022.

⁸ Harrison, Cheryl S., Tyler Rohr, Alice DuVivier, Elizabeth A. Maroon, Scott Bachman, Charles G. Bardeen, Joshua Coupe, Victoria Garza, Ryan Heneghan, Nicole S. Lovenduski, Philipp Neubauer, Victor Rangel, Alan Robock, Kim Scherrer, Samantha Stevenson, and Owen B. Toon, 2022: “[A new ocean state after nuclear war](#),” *AGU Advances*, 7 July 2022.

⁹ *Charter of the United Nations*, Article 26 (1945).

¹⁰ See, e.g., “An Inconvenient Truth,” *The Economist*, November 5-11, 2022, p.19; Douglas Fox, “The Coming Collapse,” *Scientific American*, November 2022, p.33; Nikk Ogasa, “Greenland Is Hemorrhaging Ice,” *Science News*, December 17 and 31, 2022, p.7; Naomi Oreskes, “Downplaying the Pace of Arctic Warming,” *Scientific American*, November 2022, p.86.

¹¹ National Intelligence Estimate, “Climate Change and International Responses Increasing Challenges to U.S. National Security through 2040,” Office of the Director of National Intelligence, 21 October 2021; Justin Worland, “[The Selfish Case for Climate Justice](#),” *TIME*, 27 October 2022.

wars and endured several lesser military clashes, are both heavily dependent on the Indus River Basin for water, which is threatened by glacial melt.¹² Both countries also suffered this year from the increasing frequency of extreme weather events—a heat wave in India shrank the wheat harvest, and catastrophic flooding in Pakistan caused massive crop losses. This is yet another reason why the resumption of good faith nuclear arms reduction negotiations should be a matter of the highest priority.

Abide by International Law and Ensure Justice

***Pacta sunt servanda*, the fundamental legal principle that a treaty is legally binding and must be performed in good faith, should be emphasized in the New Agenda for Peace.** As it relates to nuclear disarmament, *pacta sunt servanda* speaks directly to the yet-largely-unfulfilled promises of nuclear weapon states under Article VI of the Nuclear Non-Proliferation Treaty. We must urge nuclear weapon states to stop making excuses for modernizing, and in some cases expanding, nuclear arsenals, which flies in the face of their long-standing—and long unfulfilled—commitments to disarm "at an early date" and eliminate these arsenals.

We further keenly urge the Agenda to highlight the importance of international human rights law to achieving nuclear abolition. We must use every legal tool available to accomplish the goal of a world free of nuclear weapons and to gain control of existing nuclear armaments in the meantime. Human rights law consistently reinforces the mandate to abolish nuclear weapons. In 2018, the International Covenant on Civil and Political Rights' (ICCPR) Human Rights Committee found, in its General Comment No. 36 on the right to life, that:

The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to a crime under international law....[States] must also respect their international obligations to pursue good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control.¹³

All nuclear weapon states—except for China, which has signed but not ratified the treaty—are party to and legally bound by the ICCPR. This General Comment is a compelling implement in the quest for a nuclear weapon-free world and should be underscored in every disarmament negotiation. Nuclear weapons endanger a broad range of human rights beyond the right to life, as well, including the right to health and the freedom from discrimination. For example, the development, testing, and use of nuclear weapons all disproportionately and often irreversibly affect people of color, Indigenous persons, and women and girls. For current and future generations alike, we must collectively and intentionally invest in systems that affirm human rights rather than threaten humanity. Fundamental human rights form the bedrock of a thriving

¹² Zia Mian, "Kashmir, Climate Change and Nuclear War," *Bulletin of the Atomic Scientists*, 7 December 2018.

¹³ General Comment no. 36, CCPR/C/GC/36, 3 September 2019, para. 66

society, and the mass destruction caused and threatened by nuclear weapons is irreconcilable with a world that values the rights and dignity of all persons without discrimination.

Furthermore, the Agenda should promote the universalization of the Treaty on the Prohibition of Nuclear Weapons, which entered into force two years ago, seeking to strengthen the humanitarian disarmament framework. The TPNW expands and affirms robust existing international law that condemns and prohibits the use or threat of use of nuclear weapons. It comes 25 years after the International Court of Justice found that use of nuclear weapons is generally contrary to international humanitarian law and declared that states have an obligation to negotiate in good faith and achieve complete nuclear disarmament. The TPNW importantly acknowledges the impact on Indigenous communities of nuclear weapons and includes sex-sensitive language pertaining to nuclear weapons' impacts, drawing together efforts to secure and protect human rights and strengthen humanitarian disarmament efforts.

We thank you for this opportunity to contribute to a New Agenda for Peace, and we look forward to further engagement as we collectively pursue full implementation of the purpose of the United Nations and a safer, better, nuclear weapon-free world—now and for all future generations.