



DOI: <https://doi.org/10.24833/0869-0049-2022-1-52-64>

Research article
Received 13 February 2022
Approved 23 March 2022

Mikhail N. LYSENKO

Moscow State Institute of International Relations (University) MFA Russia
76, pr. Vernadskogo, Moscow, Russian Federation, 119454
mikelys@mail.ru
ORCID: 0000-0003-1358-8336

Anastasiya D. OSTAPOVA

Ministry of Foreign Affairs of the Russian Federation
32/34, Smolenskaya-Sennaya pl., Moscow, Russian Federation, 119200
ostapova.a.d@my.mgimo.ru
ORCID: 0000-0002-2198-3005

THE TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS: IS THERE A BETTER ALTERNATIVE?

INTRODUCTION. *The Treaty on the Prohibition of Nuclear Weapons (TPNW) which came into force in January 2021 divided the international society into two groups: its ardent supporters and opponents. The vast majority of the parties to the Treaty are the states which have neither nuclear potential, nor political influence in the international nuclear agenda. In contrast, all the nuclear-weapon powers and almost all states with nuclear infrastructures refused to participate in the TPNW. The Treaty contains an array of legal flaws, does not require any verification mechanism or even time-frame for nuclear weapons destruction.*

MATERIALS AND METHODS. *The study is based on the international treaties in the sphere of nuclear non-proliferation and disarmament, resolutions of international organizations, official statements, and joint documents of the heads of states and of the five nuclear-weapon states (P5). Materials used for the analysis include scholar works of Russian and foreign researches in the international security law and nuclear law. The research is based on general methods of study such as systematic approach, induction and deduction, logical forecasting, and specific methods including historical and legal comparative methods.*

RESEARCH RESULTS. *The article starts with the history of international efforts of nuclear weapons prohibition and approaches of leading powers. Specific legal drawbacks inherent in the TPNW were exposed which proves that the Treaty is in fact a legally inconsistent document. At the same time antinuclear attitudes behind the Treaty should be understood and taken into consideration. There is a strong need for a constructive alternative to the TPNW.*

DISCUSSION AND CONCLUSIONS. *By comparing the various states' approaches and legal opinions, the authors come up with a "Road Map" of actions which could become a real counterweight to the hasty and ill-considered decisions to prohibit nuclear weapons. Among those actions is the movement along two parallel tracks. The first one is Russian-American talks on further nuclear arms reductions which should include all strategic factors. The second one is a gradual involvement in the process of other nuclear-weapon powers through informal mechanism of consultations of the P5. The article prescribes how to fill this mechanism with measures of transparency, confidence building and predictability.*

KEYWORDS: *Treaty on the Prohibition of Nuclear Weapons, international security, nuclear weapons, nuclear disarmament, nuclear non-proliferation, P5*

There a Better Alternative? – *Moscow Journal of International Law*. 2022. No. 1. P. 52–64. DOI: <https://doi.org/10.24833/0869-0049-2022-1-52-64>

FOR CITATION: Lysenko M.N., Ostapova A.D. Treaty on the Prohibition of Nuclear Weapons: Is

The authors declare the absence of conflict of interest.

ПРАВО МЕЖДУНАРОДНОЙ БЕЗОПАСНОСТИ

DOI: <https://doi.org/10.24833/0869-0049-2022-1-52-64>

Исследовательская статья
Поступила в редакцию: 13.02.2022
Принята к публикации: 21.03.2022

Михаил Николаевич ЛЫСЕНКО

Московский государственный институт международных отношений (Университет) МИД России
Проспект Вернадского, д. 76, Москва, 119454, Российская Федерация
mikelys@mail.ru
ORCID: 0000-0003-1358-8336

Анастасия Дмитриевна ОСТАПОВА

Министерство иностранных дел Российской Федерации
Смоленская-Сенная пл., д. 32/34, Москва, 119200, Российская Федерация
ostapova.a.d@my.mgimo.ru
ORCID: 0000-0002-2198-3005

ДОГОВОР О ЗАПРЕЩЕНИИ ЯДЕРНОГО ОРУЖИЯ: ЕСТЬ ЛИ ЛУЧШАЯ АЛЬТЕРНАТИВА?

ВВЕДЕНИЕ. Договор о запрещении ядерного оружия (ДЗЯО), вступивший в силу в январе 2021 года, расколол международное сообщество на его ярых сторонников и противников. Подавляющее большинство участников Договора – государства, не обладающие ни ядерным потенциалом, ни ядерной инфраструктурой, ни политическим весом в мировой ядерной повестке. Договор содержит массу правовых изъянов, не предусматривает контрольного механизма и даже сроков уничтожения ядерного оружия.

МАТЕРИАЛЫ И МЕТОДЫ. В основу исследования положены международные договоры в области ядерного нераспространения и разоружения, решения международных организаций, заявления официальных лиц, совместные документы лидеров го-

сударств, представителей ядерной «пятерки». Широко использованы научные труды российских и зарубежных исследователей в области права международной безопасности и ядерного права. Методологическую основу исследования составили общенаучные методы познания: системный подход, индукция и дедукция, логическое прогнозирование, и специальные методы – сравнительно-исторический и сравнительно-правовой.

РЕЗУЛЬТАТЫ ИССЛЕДОВАНИЯ. В статье исследована предыстория международных усилий по запрещению ядерного оружия, изложены подходы ведущих государств. В ходе проведенного анализа выявлены конкретные правовые недостатки ДЗЯО, подтверждающие, что Договор оказался, по сути, декларативным, юридически противоречи-

вым документом. Вместе с тем, объективно стоящие за ДЗЯО антиядерные настроения требуют понимания и учета. Необходима конструктивная альтернатива ДЗЯО.

ОБСУЖДЕНИЕ И ВЫВОДЫ. Сопоставление подходов различных государств и мнений ученых позволяет сформулировать своего рода «дорожную карту» действий, которые стали бы реальным противовесом поспешным и юридически несостоятельным решениям по запрету ядерного оружия. В их числе движение по двум параллельным трекам. Первый – двусторонние российско-американские переговоры по контролю над ядерными вооружениями с учетом всех стратегических факторов. Второй – постепенное вовлечение в этот процесс других ядерных держав через неформальный консультативный механизм ядерной «пятерки». В

статье предложены конкретные идеи по наполнению такого механизма мерами открытости, доверия и предсказуемости.

КЛЮЧЕВЫЕ СЛОВА: ДЗЯО, международная безопасность, ядерное оружие, ядерное разоружение, ядерное нераспространение, ядерная «пятерка»

ДЛЯ ЦИТИРОВАНИЯ: Лысенко М.Н., Остапова А.Д. 2022. Договор о запрещении ядерного оружия: есть ли лучшая альтернатива? – *Московский журнал международного права*. №1. С. 52–64. DOI: <https://doi.org/10.24833/0869-0049-2022-1-52-64>

Авторы заявляют об отсутствии конфликта интересов.

1. Introduction

Nuclear weapons, along with chemical and biological weapons, are classified as weapons of mass destruction (WMD). These types of weapons have a large-scale destructive effect on humans, infrastructures and the environment. According to the definition of the Military Encyclopaedic Dictionary of the Russian Ministry of Defense, weapons of mass destruction “can cause massive losses and destruction up to irreversible changes in the environment”¹.

Two types of these weapons were completely prohibited. In 1972, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction was opened for signature (it entered into force in 1975)². In 1993, the Convention on the Prohibition of the Development, Production,

Stockpiling and Use of Chemical Weapons and on Their Destruction was opened for signature (entered into force in 1997)³. (Both Conventions have historical roots in the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare⁴).

As for the mostly destructive WMD — nuclear weapons, they have not been originally prohibited. According to Professor Gheorghe, “free [nuclear] market formed in the 1950s contributed to the proliferation of nuclear weapons in the 1970s” [Gheorghe 2019:88]. However, step by step nuclear weapons were legally restricted in terms of their proliferation. In particular, separate bans were worked out on their deployment in outer space, at the bottom of the seas and oceans, in a number of geographic regions. In 1968 the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)⁵ was opened for signature

¹ Ministry of Defence of the Russian Federation: Encyclopaedic Dictionary. (In Russ.). URL: <https://encyclopedia.mil.ru/encyclopedia/dictionary/search.htm> (accessed 20.11.2021).

² Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 16 December 1971.. URL: [https://undocs.org/en/A/RES/2826\(XXVI\)](https://undocs.org/en/A/RES/2826(XXVI)) (accessed 20.11.2021).

³ Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993. (In Russ.). URL: https://www.un.org/ru/documents/decl_conv/conventions/chemweapons.shtml (accessed 20.11.2021).

⁴ Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of 17 June 1925. URL: <https://www.un.org/disarmament/wmd/bio/1925-geneva-protocol/> (accessed 20.11.2021).

⁵ Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 . URL: <https://www.un.org/disarmament/wmd/nuclear/npt/> (accessed 20.11.2021).

which became the centrepiece of the international nuclear non-proliferation regime. In addition, legal bans on nuclear testing were gradually introduced, culminating in the Comprehensive Nuclear Test Ban Treaty (CTBT) of 1996⁶, which, however, has not yet entered into force. In parallel, Russia and the United States concluded a set of strategic arms reduction treaties on partial nuclear disarmament. However, the “development, production, stockpiling and use” of nuclear weapons remained, with a few exceptions, outside the prohibitions. The international community was mounting increasing pressure in favour of a comprehensive ban on nuclear weapons. And finally, in 2021, it happened.

2. Nuclear Weapons Ban Treaty – Polarization of the International Community

Negotiations on the Treaty on the Prohibition of Nuclear Weapons (TPNW) were conducted under the auspices of the UN General Assembly. In December 2016, the General Assembly adopted a resolution in which it decided “to convene in 2017 a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination”⁷. Discussion of the draft agreement took place at plenary sessions. On July 7, 2017, the text was put for a vote. On September 20, 2017, the Agreement was opened for signature⁸. (All nuclear-weapon states boycotted the negotiations from the beginning. As Sergey Lavrov, Foreign Minister of Russia has explained, “we share the task of building a nuclear-free world. However, this goal should not be achieved by such one-sided, rather arrogant methods, on which this document is based”⁹). The treaty entered into force on January 22, 2021, 90 days after its ratification by 50 member states, as provided for by its terms¹⁰.

It would seem that the adoption of a treaty which affects the fate of the whole international community and has the highest moral value should have caused widespread international support. On the contrary, the TPNW provoked unprecedented international polarization. This is clearly visible, in particular, in the composition of its participants. As of February 20, 2022, the Treaty was signed by 86 states, ratified by 59. Among the parties to the Treaty there are no countries of the P5 (Great Britain, China, Russia, France, the United States) and four other de facto possessors of nuclear weapons (Israel, India, North Korea, Pakistan). The Treaty is not supported by any NATO member, Asian allies of the United States and even Japan. Among the European countries, only Austria, Ireland, Malta and San Marino have acceded to the Treaty. Among the CIS countries, the Treaty was supported only by Kazakhstan. Of all the signatories, only three countries have nuclear industries and nuclear power plants – Brazil, Mexico, South Africa, plus Bangladesh which will soon complete the construction of a nuclear power plant¹¹. In general, the overwhelming majority of the participants of the Treaty are the developing countries of Asia, Africa, Latin America and Oceania, most of which have neither nuclear industrial potential nor political role in the world nuclear agenda. It is noteworthy that the International Atomic Energy Agency (IAEA) is not among the signatories.

The TPNW divided the international community into two opposing camps. The Treaty was cheerfully welcomed by the international disarmament lobby. An international non-governmental organization actively advocating the TPNW – the International Campaign to Abolish Nuclear Weapons – received the Nobel Peace Prize in 2017 for the “ground-breaking efforts to achieve a treaty-based prohibition of such weapons”. The UN Secretary General A. Gu-

⁶ Comprehensive Nuclear-Test-Ban Treaty Organization: Comprehensive Nuclear-Test-Ban Treaty of 10 September 1996. URL: https://www.ctbto.org/fileadmin/user_upload/legal/CTBT_English_withCover.pdf (accessed 20.11.2021).

⁷ UN: Resolution adopted by the General Assembly on 23 December 2016 “Taking forward multilateral nuclear disarmament negotiations”. URL: <https://undocs.org/en/A/RES/71/258> (accessed 20.11.2021).

⁸ Treaty on the Prohibition of Nuclear Weapons of 7 July 2017. URL: https://treaties.un.org/doc/Treaties/2017/07/20170707%2003-42%20PM/Ch_XXVI_9.pdf (accessed 20.11.2021).

⁹ Ministry of Foreign Affairs of the Russian Federation: Foreign Minister Sergey Lavrov’s remarks at the Moscow Nonproliferation Conference on, “Foreign Policy Priorities of the Russian Federation in Arms Control and Nonproliferation in the Context of Changes in the Global Security Architecture”. November 8, 2019. (In Russ.). URL: https://www.mid.ru/ru/press_service/minister_speeches/1475160/?lang=en (accessed 20.11.2021).

¹⁰ UN: Secretary General’s Video Message on the Occasion of the Entry Into Force of the Treaty on the Prohibition of Nuclear Weapons. January 22, 2021. URL: <https://www.un.org/sg/en/content/sg/statement/2021-01-22/secretary-generals-video-message-the-occasion-of-the-entry-force-of-the-treaty-the-prohibition-of-nuclear-weapons> (accessed 20.11.2021).

¹¹ The International Campaign to Abolish Nuclear Weapons (ICAN): Signature and ratification status. Treaty on the Prohibition of Nuclear Weapons. URL: https://www.icanw.org/signature_and_ratification_status (accessed 20.11.2021).

terres assessed the TPNW as “an important step towards achieving the universal goal of creating a world free of nuclear weapons”¹².

In contrast, foreign ministers of the five nuclear-weapon states adopted in 2018 a Joint Statement opposing the TPNW. The document firmly “rejects” the TPNW. It says that the P5 countries will not “support, sign or ratify this Treaty”¹³.

3. Towards the Ban on Nuclear Weapons

The drive to renounce nuclear weapons has a solid historical background. The very first resolution adopted by the UN General Assembly on January 24, 1946 “Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy” called for proposals “on the exclusion of atomic weapons from national armaments ...”¹⁴.

In 1959 the USSR introduced a draft “Declaration of the Soviet Government on General and Complete Disarmament” at the UN General Assembly. It called for “the complete prohibition of atomic and hydrogen weapons, the cessation of the manufacture of all types of these weapons, their elimination from the armaments of States and the destruction of stock-piles”¹⁵.

In 1961 the UN General Assembly adopted the “Declaration on the Prohibition of the Use of Nuclear and Thermo-nuclear Weapons”. It states that the use of such weapons would be contrary to the goals of the UN and therefore would be considered a violation of the Charter of the Organization. The Declaration called for a convention prohibiting “the use of nuclear and thermonuclear weapons for war purposes”¹⁶.

In legal terms the idea of nuclear disarmament is most clearly fixed in the 1968 Nuclear Non-Prolifer-

ation Treaty (NPT) which is widely recognized as the “cornerstone of the global nuclear non-proliferation and disarmament regime” [Reflections...2016:209].

Under the terms of Article VI of the NPT, the UN members must negotiate on two tracks: first, “on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament”, second, “on a treaty on general and complete disarmament under strict and effective international control”¹⁷.

In practice, among the five nuclear-weapon states only Russia and the United States are conducting negotiations on nuclear arms control and disarmament in the context of the 2010 Treaty on the Further Reduction and Limitation of Strategic Offensive Arms (START-3)¹⁸. Three other nuclear states (Great Britain, China, France) are avoiding this process. They refuse to participate in any nuclear arms control talks arguing that their nuclear arsenals are much lower than those of USA and Russia. According to V. Orlov, after the nuclear-weapon states secured the indefinite extension of the NPT in 1995, they “showed complacency, did not see any incentive for further deep steps to implement Article VI of the NPT, thus confirming the worst fears of those who in 1995 opposed the indefinite extension” [Orlov 2015]. In addition, the four de facto possessors of nuclear weapons (Israel, India, North Korea, Pakistan) completely ignore the idea of nuclear disarmament. Nothing has been done under the Treaty “on general and complete disarmament”; this work has not even begun. The Conference on Disarmament in Geneva, established by the UN General Assembly and specially created to develop multilateral agreements in the field of disarmament and arms control, is also idle.

Additional negative factors which severely damaged the whole arms control infrastructure created

¹² UN: Treaty Banning Nuclear Weapons Opens for Signature at UN. September 20, 2017. URL: <https://news.un.org/en/story/2017/09/565582-treaty-banning-nuclear-weapons-opens-signature-un> (accessed 20.11.2021).

¹³ Ministry of Foreign Affairs of the Russian Federation: Joint Statement by China, France, Russian Federation, United Kingdom and United States. October 29, 2018. URL: https://www.mid.ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/3384609?p_p_id=101_INSTANCE_cKNonkJE02Bw&_101_INSTANCE_cKNonkJE02Bw_languageId=en_GB (accessed 20.11.2021).

¹⁴ UN: Resolutions adopted on the reports of the First Committee “Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy” of 24 January 1946. URL: [https://undocs.org/en/A/RES/1\(I\)](https://undocs.org/en/A/RES/1(I)) (accessed 20.11.2021).

¹⁵ UN: Declaration of the Soviet Government on General and Complete Disarmament of 19 September 1959. (In Russ.). URL: <https://digitallibrary.un.org/record/842395?ln=ru> (accessed 20.11.2021).

¹⁶ UN: Declaration on the Prohibition of the Use of Nuclear and Thermo-Nuclear Weapons of 24 November 1961. URL: [https://undocs.org/en/A/RES/1653\(XVI\)](https://undocs.org/en/A/RES/1653(XVI)) (accessed 20.11.2021).

¹⁷ Treaty on the Non-proliferation of Nuclear Weapons of 1 July 1968. URL: <https://www.un.org/disarmament/wmd/nuclear/npt/text> (accessed 20.11.2021).

¹⁸ Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms of 8 April 2010. <http://en.kremlin.ru/supplement/512> (accessed 20.11.2021).

since the 1970s was “the destructive course” of the USA, namely their one-sided decisions to withdraw from the 1972 Anti-Ballistic Missile Treaty, 1987 Intermediate-Range and Shorter-Range Missile Treaty, 1992 Open Skies Treaty and the official denial to ratify the Comprehensive Nuclear-Test-Ban Treaty [Ryabkov 2021:5]. The result of those actions was not only a severe setback for the global strategic stability but also a growing sense of frustration and concern in international disarmament community.

In fact, the TPNW can be viewed as the embodiment of displeasure among non-nuclear states with the state of affairs in the field of nuclear disarmament and nuclear non-proliferation, especially against the background of the aggravation of the international situation and the degradation of global strategic stability. As Professor Nye writes, throughout the entire history of the non-proliferation regime, non-nuclear states have accused the “superpowers”, that is the P5, of “discrimination, hypocrisy and failure to live up to their commitments to disarm” [Nye 1985:123]. Professor Etemike goes even further claiming that the NPT itself is undoubtedly a reflection of “hypocrisy in international politics” [Etemike 2012:11]. As for the degradation of strategic stability it is expressed in the opinion of A.Futter and B.Zala. They believe that nuclear weapons are no longer the main driver for strategic stability. Non-nuclear factors play an equal, if not a larger role [Futter, Zala 2021:2]. A similar opinion is expressed by some Russian researchers [Karaganov, Suslov 2019:22].

A drastic attempt to outlaw nuclear weapons was made at the International Court of Justice. In December 1994, the General Assembly adopted a resolution requesting the International Court of Justice to “urgently render an advisory opinion on the following question: “Is the threat or use of nuclear weapons in any circumstances permitted under international law?”¹⁹. The Court, however, evaded a direct answer. It ruled that the threat or use of nuclear weapons would be contrary to international law, in particular humanitarian law. However, “the Court cannot con-

clude definitely whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense, in which the very survival of a State would be at stake”²⁰.

The decisions of the 2010 Review Conference on the Treaty on the Non-Proliferation of Nuclear Weapons added a new drive for a nuclear weapons free world. The Final Document of the Conference noted the overall goal of “the complete elimination of all nuclear weapons”. It was also suggested “to consider negotiations on a nuclear weapons convention or agreement”²¹. The 2010 Review Conference can be viewed as a certain success. The Action Plan consisting of 64 practical steps on the way to nuclear disarmament was agreed on by all participants and implanted in its Final Document.

In 2016, the open-ended UN Working Group presented its report to the UN General Assembly, which noted the desire of most states to begin “negotiations open to all States, international organizations and civil society on a legally binding instrument to prohibit nuclear weapons”²². Finally, in December 2016, as noted above, the UN General Assembly launched such negotiations, which culminated in the adoption of the TPNW.

What are the reasons for the rejection of the TPNW by most countries with a nuclear potential?

4. Legal Deformity of the Treaty on the Prohibition of Nuclear Weapons

As noted above, the TPNW was opposed by almost all countries significant in nuclear activities. Not surprisingly it caused polarized assessments by analysts and lawyers. On the one hand, as Christopher Evans notes, the TPNW is rooted in “a growing concern and awareness of the catastrophic humanitarian consequences that would stem from any detonation of nuclear weapons” [Evans 2021:53]. It should be noted that nobody rejects this concern. It is reflected in the 2022 P5 leaders Statement which will be discussed below. The “humanitarian nature”

¹⁹ UN: Resolutions adopted by the General Assembly “Request for an Advisory Opinion from the International Court of Justice on the Legality of the Treat or Use of Nuclear Weapons” of 15 December 1994. (In Russ.). URL: <https://undocs.org/ru/A/RES/49/75> (accessed 20.11.2021).

²⁰ International Court of Justice: Reports of Judgements, Advisory Opinions and Orders. Legality of the Treat or Use of Nuclear Weapons. Advisory Opinion of 8 July 1996. URL: <https://www.icj-cij.org/public/files/case-related/95/095-19960708-ADV-01-00-EN.pdf> (accessed 20.11.2021).

²¹ UN: 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. 2010. (In Russ.). URL: <https://undocs.org/ru/NPT/CONF.2010/50%28VOL.I%29> (accessed 20.11.2021).

²² UN: Note by the Secretary-General “Taking forward multilateral nuclear disarmament negotiations”. September 1, 2016. URL: <https://undocs.org/en/A/71/371> (accessed 20.11.2021).

of the TPNW was noted by Dr. Ritiker and Professor Mohr [Ritiker, Mohr 2018:8]. That is also without doubt. Professor Sauer even claims that thanks to the Treaty, nuclear-weapon states will “adhere to norms against the use and possession of nuclear weapons”. [Sauer, Reveraert 2018:19] – The question is why should they “adhere” to a treaty which they strongly oppose and which does not contain any mechanism to either push or encourage them to “adhere”.

On the other hand, some analysts claim that the Treaty does not take into account strategic interests of states possessing nuclear weapons. As Christopher Evans notes “it seems difficult to contend that the TPNW reflects traditional security-based disarmament negotiations” [Evans 2021:58].

To clarify conflicting assessments surrounding the Treaty, its detailed legal analysis is needed. The authors will present below article by article comments on the corresponding Treaty provisions²³.

– Article 1 defines the subject of the Treaty: not to “a) develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices; b) transfer to any recipient whatsoever nuclear weapons ...; c) receive the transfer of or any control over nuclear weapons ...; d) use or threaten to use nuclear weapons ...; e) assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party ...; f) seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party ...; g) allow any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices in its territory or at any place under its jurisdiction or control”.

Commentary of the authors of the article: the list is declarative. As Professor B. Tuzmukhamedov correctly notes, the TPNW does not even have the basic definition of a “nuclear weapon” or any other definitions. [Tuzmukhamedov 2021]. Clear definitions are legal “keys” to most treaties. The absence of definitions will sooner or later raise disputes over the substance and implementation of the Treaty.

– Article 2 requires the parties to the Treaty to submit to the UN Secretary General declarations containing information on the presence/absence of nuclear weapons or nuclear explosive devices.

Commentary: as we can see, the implementation of the Treaty supposes only a notification regime without a verification mechanism with on-site inspections and verification equipment. Without verification it is impossible to guarantee that the Treaty is implemented and nuclear weapons are actually and irreversibly destroyed. Just to compare: since the entry into force of the START-3 Treaty both sides conducted 326 on-site inspections to the sites of deployment of nuclear weapons and their carriers. The Treaty allows for satellite and remote monitoring, as well as 18 on-site inspections per year²⁴. The TPNW provides for written notifications only, without any control or physical access to the weapons and their locations.

– Article 4 obliges nuclear-weapon states to eliminate their nuclear-weapons programs and to cooperate with a specially designated “competent international body” or “bodies” (CIB) for verification. Nuclear-weapon states must prepare “a legally binding, time-bound plan for the verified and irreversible elimination of that State Party’s nuclear-weapon programme”. This plan shall then be negotiated with the competent international authority which in turn submits the plan to a meeting of States Parties or review conference of the Treaty. Each State Party shall submit reports to each meeting of States Parties and each review conference on the progress made towards the implementation of its obligations.

Commentary: this article confirms that the TPNW replaces real control and verification of the implementation of the Treaty with paperwork: provision of plans and reports. The mandate of the CIB is not defined. It is not clear who will appoint the CIB, what real authority the CIB will have, whether the CIB representatives will be allowed to oversee the elimination of nuclear weapons; how shall it be certified? Deadlines or time-frames for the elimination of nuclear weapons have not been defined either. Without deadlines the elimination process could become endless and nuclear weapon possessors could hide behind this ambiguity to delay their nuclear disarmament as long as they wish. Just to compare: all START Treaties contained specific time frames to meet their limits. START-3 for example stipulates that no later than 7 years after its entry into force the

²³ Hereinafter: Quoted from Treaty on the Prohibition of Nuclear Weapons. United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination of 7 July 2017. URL: <https://undocs.org/en/A/CONF.229/2017/8>(accessed 20.11.2021).

²⁴ What we should know about the START-3 Treaty. – TASS Agency January 26, 2021. (In Russ.). URL: <https://tass.ru/info/10553525> (accessed 20.11.2021).

sides should meet the Treaty's limits for the deployed strategic warheads, and deployed and non-deployed strategic delivery vehicles and launchers²⁵.

– Article 17 of the TPNW states that “each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to the Depositary”.

Commentary: such a “lightweight” wording can be interpreted in such a way that a nuclear-weapon state which has withdrawn from the TPNW restores its right to newly acquire nuclear weapons. Thus, under the meaning of Article 17, the prohibition of nuclear weapons can be reversible. The procedure for withdrawing from the TPNW seems too simple as well as it requires a mere notification of the depositary. There is even no provision for notifying other parties to the Treaty or the UN Security Council which is particularly disturbing. It would create unpredictability about the intentions of the withdrawing state. Does it want to restore or create a nuclear weapons' potential and to do it in hiding from other participants of the treaty? A withdrawal of such a key treaty certainly will be an extraordinary matter directly related to the “maintenance of international peace and security” which is the mandate of the UN Security Council. Just to compare: according to Article X of the NPT, in case of withdraw from the Treaty this Party “shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council... Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests”²⁶.

– Article 18 states that “the implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party, where those obligations are consistent with the Treaty”.

Commentary: this article, like Article 17, is subject to broad interpretation. As noted by Ambassador

M.Ulyanov: “Article 18... gives the TPNW priority over other existing international agreements. Does this mean that states parties to the TPNW can waive their obligations under other agreements, apparently including the Non-Proliferation Treaty? If so, how can we agree that the new Treaty will strengthen the non-proliferation regime?”²⁷

The integrated political and legal assessment of the TPNW was given in the aforementioned statement of foreign ministers of the P5 in 2018: the TPNW “contradicts, and risks undermining the NPT...; ignores the international security context and regional challenges and does nothing to increase trust and transparency between States...; fails to meet the highest standards of non-proliferation...; is creating divisions across the international non-proliferation and disarmament machinery, which could make further progress on disarmament even more difficult”²⁸.

To sum up, as Professor M. Almela correctly asserts, the TPNW “suffers from serious normative, institutional and practical inconsistencies” [Almela 2018:2]. Indeed, as noted above, the Treaty turns out to be not at all “a cumulative contribution” to disarmament [Ritchie, Kmentt 2021:89] but a declarative legally flawed non-starter: without definitions, deadlines, verification and clear implementation, opposed by almost all nuclear-related states. Thus, there are all grounds to forecast that it will be destined to the fate similar to the 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies which for more than 40 years has a limited number of State Parties none of which have a national spacecraft potential.

5. What is Next? A Constructive Alternative to the TPNW

Nevertheless, if the “letter” of the Treaty can and should be rejected, its “spirit” which reflects sincere anti-nuclear popular sentiments requires understanding and consideration. The very idea of moving

²⁵ The Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms of April 2020. (In Russ.). URL: <http://kremlin.ru/supplement/512> (accessed 20.11.2021).

²⁶ Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968. URL: <https://www.un.org/disarmament/wmd/nuclear/npt/> (accessed 20.11.2021).

²⁷ Ministry of Foreign Affairs: Remarks by Mikhail Ulyanov, Director of the Foreign Ministry Department for Non-Proliferation and Arms Control and Representative of the Russian Federation at the First Committee of the 72nd session of the UN General Assembly, within the General Debate. URL: https://www.mid.ru/organs/-/asset_publisher/AfvTBpEYay2/content/id/2887054?p_p_id=101_INSTANCE_AfvTBpEYay2&_101_INSTANCE_AfvTBpEYay2_languageId=en_GB (accessed 20.11.2021).

²⁸ Russia, UK, China, US, France won't sign Treaty on the Prohibition of Nuclear Weapon. – TASS Agency. October 29, 2018. URL: <https://tass.com/world/1028334> (accessed 20.11.2021).

towards a world free of nuclear weapons is, of course, desirable. In essence, that was confirmed by the Russian President V. Putin: “When asked whether nuclear disarmament is possible or not, I will say: yes, it is possible. Does Russia want general nuclear disarmament or not? The answer would also be affirmative: yes, we want and we will strive for it”²⁹.

It seems that Russia and other countries of the P5 must outline a constructive alternative to the TPNW.

Different opinions are debated on how to do it though.

The above-mentioned P5 ministerial statement proclaims: “The best way to achieve a world without nuclear weapons is through a gradual process that takes into account the international security environment. This proven approach to nuclear disarmament has produced tangible results, including deep reductions in the global stockpiles of nuclear weapons”³⁰. It is difficult to disagree with that. But how can this goal be achieved in the current atmosphere of mistrust and confrontation between Russia and the West when we are almost on a brink of a real war in connection with the crisis around Ukraine, as well as in the absence of formal negotiations on further nuclear arms control and disarmament and reluctance of Great Britain, China and France to enter such talks?

A monograph prepared by the Ural Federal University recommends that Russia “changes its approach” in order not to be “left on the side-lines of the discussion process”. It further recommends that Russia should strive “collectively with non-nuclear countries to organize events” in different formats, involving not only representatives of states, but also the expert community, representatives of NGOs” with the aim to “seize the initiative in the international agenda” [Dogovor... 2020:169]. In contrast, the authors of this article do not believe that what matters

is to intercept “initiatives” or to start “discussions” – for the sake of discussions. As you will see below, the authors do believe that in order to draw a constructive alternative to a defected treaty, to contest primitive populism and to alleviate public concerns, what is needed that is not “discussions” but a concrete and transparent program of political and legal arms control and disarmament actions of the P5 and their partners.

Professor B.Tuzmukhamedov sees the task in “strengthening the existing legal regimes, enforcing new ones, reinforcing them with confidence-building measures and verification” [Tuzmukhamedov 2021]. J.Wolfsthal and A.Kendall-Taylor suggest that the existing strategic stability dialogue between Russia and the USA should be further expanded. [Wolfsthal, Kendall-Taylor 2021:5]. That all is very prudent. But what exactly should be done?

The authors of the article believe that it is necessary to move forward along two parallel tracks.

The first one is the bilateral track of Russia-United States on strategic stability. Certain hopes were raised by the agreement reached by the two Presidents on June 16, 2021 in Vienna to “launch a comprehensive bilateral dialogue on strategic stability” with the intention to “lay the foundation for future arms control and risk mitigation measures”³¹. In September 2021 it was agreed to form two interagency expert working groups: the Working Group on Principles and Objectives for Future Arms Control, and the Working Group on Capabilities and Actions with Strategic Effects³². Russia-U.S strategic stability issues were further discussed by the two Presidents in their video talks on December 7, 2021³³. It seems that the current peak of confrontations over Ukraine and debates over the Russian draft to USA and NATO on legal security guarantees pushed to the background the bilateral dialogue on strategic stability. At the mo-

²⁹ Vladimir Putin took part in the final plenary session of the 14th annual meeting of the Valdai International Discussion Club titled “The World of the Future: Moving Through Conflict to Cooperation”. October 19, 2017. URL: <http://en.kremlin.ru/events/president/news/55882> (accessed 20.11.2021).

³⁰ Russia, UK, China, US, France won't sign Treaty on the Prohibition of Nuclear Weapon. – *TASS Agency*. October 29, 2018. URL: <https://tass.com/world/1028334> (accessed 20.11.2021).

³¹ U.S. – Russia Presidential Joint Statement on Strategic Stability. June 16, 2021. (In Russ.). URL: <http://kremlin.ru/supplement/5658> (accessed 20.11.2021).

³² Ministry of Foreign Affairs of the Russian Federation: Joint Statement on the Outcomes of the U.S. – Russia Strategic Stability Dialogue in Geneva on 30 September 2021. URL: https://www.mid.ru/ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4875989?p_p_id=101_INSTANCE_cKNonkJE02Bw&_101_INSTANCE_cKNonkJE02Bw_languageId=en_GB (accessed 20.11.2021).

³³ The White House: Readout of President Biden's Video Call with President Vladimir Putin of Russia. December 7, 2021. URL: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/07/readout-of-president-bidens-video-call-with-president-vladimir-putin-of-russia/> (accessed 20.12.2021).

ment, no schedule of new meetings in both Working Groups has been agreed³⁴.

However, it should be kept in mind that time is running fast in view of the fact that the START-3 Treaty, extended for five years in 2021, will automatically expire in February 2026.

Depending on the political will, the following options are possible.

First, to agree to simply extend the Treaty as it is. Second, to make up a new modified treaty which would preserve basic parameters of START-3 and provide for some further reduction of armament ceilings, for example, to a symbolic level of one thousand nuclear warheads on each side. Both options seem to be realistic. Third, however, they would leave untouched major Russian concerns about the web of modern strategic factors. Russia is seeking a new treaty or even a series of agreements, which would fix a mutually acceptable “security equation”. It should, in the words of President V. Putin, “cover not only traditional weapons: intercontinental ballistic missiles, heavy bombers and submarines, but also ... all offensive and defensive systems capable of solving strategic tasks, regardless of their equipment”³⁵. That third option certainly would be the ideal outcome, although it is less realistic. Still, some bilateral configurations made up on the basis of viable, historically proven elements of the START reductions and verifications, plus some new legal and political arrangements on a “security equation” might be possible before 2026. (It should be also kept in mind that in all three options the new treaty in both countries would be subject to ratification with the expected filibusters in the US Senate.)

The second track assumes multilateral dialogue platforms. It is obvious that the constant reduction of nuclear armaments only by Russia and the United States has its limits especially in the context of the increase in nuclear arsenals of other nuclear powers.

The recent decision of the United Kingdom to build up its arsenal of submarine nuclear missile warheads from 180 to 260 – almost one and a half times – cannot but cause concern³⁶. The situation with China's nuclear weapons is not transparent. It is unclear what happens to the US nuclear weapons stationed outside US borders.

It is also obvious that any radical initiatives regarding involvement of all nuclear-weapon powers in nuclear disarmament and attempts to impose on them uncontested solutions are unrealistic and even harmful.

However, the step-by-step opening of a discussion in this direction is quite appropriate. Gradually it might turn into a permanent consultative process. As Ambassador Antonov wrote, “the negotiation process of reduction of strategic offensive arms cannot remain bilateral forever. At the current stage of this process, Great Britain, France and China can already make their contribution” [Antonov 2012:79].

But where to conduct such consultations? The Conference on Disarmament in Geneva is blocked. The UN has no permanent consultative mechanism.

The authors of the article believe that meetings of the nuclear P5 countries seem to be the optimal platform.

Such unofficial meetings began at the level of ambassadors on the margins of the Conference on Disarmament in Geneva. As Ambassador Berdennikov recalls, “in the 1990s, the P5 was working on the margins of the Conference on Disarmament on the weekly basis but considered issues that were not limited by the work of the Conference on disarmament, though the main subject of the P5 was the coordination of the positions of the nuclear weapon States in connection with the Comprehensive Nuclear-Test-Ban Treaty negotiations. And, I am sure that the P5's contribution to those talks was central”³⁷.

³⁴ Ministry of Foreign Affairs of the Russian Federation: The interview of the Director of the Department on non-proliferation and arms control of the Ministry of Foreign Affairs of Russia Vladimir Ermakov to the RIA-Novosty News Agency. February 7, 2022. (In Russ.). URL: https://www.mid.ru/foreign_policy/international_safety/disarmament/voenno_strategicheskie_problemy/1797893/ (accessed 07.02.2022).

³⁵ Presidential Address to the Federal Assembly. April 21, 2021. (In Russ.). URL: <http://kremlin.ru/events/president/news/65418> (accessed 20.11.2021).

³⁶ United Kingdom public sector: Global Britain in a Competitive Age. The Integrated Review of Security, Defence, Development and Foreign Policy. March 2021. P. 76. URL: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975077/Global_Britain_in_a_Competitive_Age_the_Integrated_Review_of_Security_Defence_Development_and_Foreign_Policy.pdf (accessed 20.11.2021).

³⁷ Berdennikov G.. Role of Russia–US Cooperation in Strengthening the P5 Process. Remarks for a session of Russian-US Dialogue on Nuclear Issues. 2021. URL: <https://nonproliferation.org/wp-content/uploads/2021/08/amb-grigory-berdennikov-remarks-21-07-26-cns-and-cenese-convene-second-virtual-us-russia-nuclear-dialogue-series.pdf>. (accessed 20.11.2021).

Since 2019 the meetings were raised to the level of deputy foreign ministers. Three such conferences were conducted in 2019 in Beijing, in 2020 in London, and in 2021 in Paris. In 2018 a Joint Statement on the Fiftieth Anniversary of the NPT was adopted on behalf of Foreign Ministers of China, France, Russia, the United Kingdom, and the United States. And, finally, on January 2022, in an unprecedented move, for the first time in the world history, a P5 Joint Statement was adopted at the level of their leaders. It says that “the People’s Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America consider the avoidance of war between Nuclear-Weapon States and the reduction of strategic risks as our foremost responsibilities. We affirm that a nuclear war cannot be won and must never be fought... We remain committed to our Nuclear Non-Proliferation Treaty obligations, including our Article VI obligation “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”³⁸.

The P5 consultative mechanism is very flexible; it is not burdened with formal regulations and strict rules of procedure. There is no practice of putting issues for a vote or to use a “veto”. It is a comfortable platform for a confidential exchange of views, coordination of positions and, if necessary, approval of joint documents.

In fact, by now the P5 has grown into a solid self-regulating mechanism. In the 2021 Final Joint Communiqué in Paris the P5 described the forum as a “key mechanism for fostering a better mutual understanding”³⁹. Once more they reaffirmed their commitment to pursue negotiations on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament.

The P5 has approved in Paris the second edition of the Glossary of Basic Nuclear Terms; assessed its consultations with the ASEAN countries on an Additional Protocol to the Treaty on a nuclear-free zone in Southeast Asia; reiterated support for the negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable Fissile Material Cut-off Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices⁴⁰.

The authors of the article suppose, it would be worth suggesting the P5 as a constructive alternative to the TPNW to go further along a certain “Road Map”. It could incorporate the following consequent steps.

- As a first and simplest step, all P5 should convene, as proposed by President Putin, a summit of the permanent members of the UN Security Council (P5) on a wide range of international security problems⁴¹. Such a meeting would be specifically important to discuss ways to alleviate the current climax of international tensions.

- Next step might anticipate measures of openness: publication by all P5 countries of the data on their nuclear arsenals in the same amount as it was already done by Russia and the USA within the framework of START-3.

- Next, as suggested by Ambassador Antonov, it might be possible to recommend that all P5 countries take commitments not to increase their nuclear arsenals [Antonov 2012:79]. The P5 joint nuclear weapons freeze would be a strong message for the global arms control community.

- Ambassador Antonov further suggests joint measures of transparency and control [Antonov 2012:79]. According to O.Meier and M.Hoell such measures should include primarily de-targeting and de-alerting⁴².

- Apart from that, as a confidence building and predictability measures, it might be suggested

³⁸ Joint Statement of the Leaders of the Five Nuclear-Weapons States on Preventing Nuclear War and Avoiding Arms Races. January 3, 2022. URL: <http://en.kremlin.ru/events/president/news/67551> (accessed 20.11.2021).

³⁹ Ministry of Foreign Affairs of the Russian Federation: P5 Conference Paris, 2-3 December 2021. Final Joint communiqué. December 4, 2021.. URL: https://www.mid.ru/web/guest/maps/fr/-/asset_publisher/g8RuzDvY7qyV/content/id/4983321?p_p_id=101_INSTANCE_g8RuzDvY7qyV&_101_INSTANCE_g8RuzDvY7qyV_languageld=en_GB accessed 20.11.2021).

⁴⁰ UN: Statement by H.E. Mr. Fu Cong, on Behalf of the P5 States, at the General Debate in the Third Session of the Preparatory Committee for the 2020 NPT Review Conference. May 1, 2019. URL: <http://statements.unmeetings.org/media2/21491982/china-behalfofthep5states-general-debate.pdf> (accessed 20.11.2021).

⁴¹ Presidential Address to the Federal Assembly. April 21, 2021. (In Russ.). URL: <http://kremlin.ru/events/president/news/65418> (accessed 20.11.2021).

⁴² Meier O., Hoell M. Getting P5 Strategic Risk Reduction Right: What NATO Non-Nuclear States Seek from Nuclear-Weapon States. – *European Leadership Network*. November 23, 2020. URL: <https://www.europeanleadershipnetwork.org/commentary/getting-p5-strategic-risk-reduction-right-what-nato-non-nuclear-weapon-states-seek-from-nuclear-weapon-states/> (accessed 20.11.2021).

for the P5 to continue discussions on national nuclear doctrines and plans for nuclear arsenals; missile defense plans and systems; military space activities; prevention of cyber attacks on nuclear and critical infrastructure – a new key subject not regulated by international treaties; multilateral exchange of information on missile tests and other related events along the lines of interaction between the Russian and the US National Nuclear Risk Reduction Centers.

– Some analysts go even further to suggest that P5 should draft “a single P5 doctrine document” answering the question of the role of nuclear weapons in their national security strategies [Hoell, Persbo 2020:25]. Well, certainly, many options might be affordable. The major point is just to start.

6. Conclusion

To summarize, the continuation of Russian-American negotiations on strategic arms reductions

along with building up a consultative P5 mechanism would be a real and honest positive alternate to the popularly attractive but legally and politically flawed attempts to hurriedly ban nuclear weapons. Enough criticism has been raised about the flaws of the TPNW. The time has come to end the debates and to go step by step along the realistic path towards nuclear arms control – transparency – practical disarmament.

Obviously, the list of measures proposed by the authors for the P5 “Road Map” is incomplete and schematic. But it is realistic to start with them and implement them step by step. Completion of these and other measures that will emerge in the process of multilateral consultative process would create an atmosphere of engagement and trust. And that would facilitate the transition to practical steps with the prospect of reaching politically and legally binding agreements.

References

1. Almela M. F.H. The Treaty on the Prohibition of Nuclear Weapons: Is It Really Necessary?, – *Instituto Español de Estudios Estratégicos*. No. 2018. 104/2018. 18 p. URL: https://www.ieee.es/en/Galerias/fichero/docs_opinion/2018/DIEEEO104_MANHER-Nuclear_ENG.pdf (accessed 20.11.2021).
2. Antonov A. I. *Kontrol' nad vooruzheniyami. Istoriya, sostoyanie, perspektivy* [Arms Control: history, current situation, prospects]. Moscow: ROSSPEN Publ. 2012. 247 p. (In Russ.)
3. *Dogovor o zapreshchenii yadernogo oruzhiya: formirovanie novogo rezhima?*. Pod red. E.B. Mikhailenko [Treaty on the Prohibition of Nuclear Weapons: Forming a New Regime?]. Ed. E. B. By Mikhailenko]. Ekaterinburg: Izdatel'stvo Ural'skogo universiteta Publ. 2020. 184 p. (In Russ.)
4. Etemike L. The Politics of Nuclear Non-Proliferation. – *Central European Journal of International and Security Studies*. 2012. Vol. 6. Issue 3-4. P. 11-26.
5. Evans C.P. Questioning the Status of the Treaty on the Prohibition of Nuclear Weapons as a ‘Humanitarian Disarmament’ Agreement. – *Utrecht Journal of International and European Law* 2021. Vol. 36. Issue 1. P. 52–74. DOI: <http://doi.org/10.5334/ujiel.532>
6. Futter, A., Zala, B. Strategic non-nuclear weapons and the onset of a Third Nuclear Age. – *European Journal of International Security*. 2021. Vol.6. Issue 3. P. 257-277. DOI: <https://doi.org/10.1017/eis.2021.2>
7. Gheorghe E. Proliferation and the Logic of the Nuclear Market. – *International Security*. 2019. Vol. 43. Issue 4. P. 88-127. DOI: https://doi.org/10.1162/isec_a_00344
8. Hoell M., Persbo A. *Overcoming Disunity: Reinventing the P5 Process a Decade*. Global Security Report. 2020. 91 p. URL: <https://www.europeanleadershipnetwork.org/wp-content/uploads/2020/07/P5-Process-report-update-Jan-2021.pdf> (accessed 20.11.2021).
9. Karaganov S., Suslov D. *Novoe ponimanie i puti ukrepleniya mnogostoronnei strategicheskoi stabilnosti* [New Understanding and Ways of Strengthening of Multilateral Strategic Stability]. Moscow. 2019. 55 p. (In Russ.). URL: https://globalaffairs.ru/wp-content/uploads/2020/04/doklad_strategicheskaya-stabilnost.pdf (accessed 20.11.2021).
10. Nye J. S. NPT: The Logic of Inequality. – *Foreign Policy*. 1985. No. 59. P. 123-131. DOI: <https://doi.org/10.2307/1148604>
11. Orlov V.A. Est' li budushchee u DNYaO. Zametki v predverii Obzornoj konferentsii 2015 g. [Does the NPT have any future? Notes on the eve of the 2015 Review Conference]. – *Indeks Bezopasnosti*. 2015. No.4. P. 27-48. (In Russ.)
12. *Reflections on the Treaty on the Non-Proliferation of Nuclear Weapons. Review Conferences and the Future of the NPT*. Ed. by J. Dhanapala and T. Rauf. Stockholm: Stockholm International Peace Research Institute. 2016. 263 p. URL: https://www.sipri.org/sites/default/files/Reflections%20on%20the%20NPT_Dhanapala%20and%20Rauf.pdf (accessed 20.11.2021).
13. Rietiker D., Mohr M. *Treaty on the Prohibition of Nuclear Weapons. A Short Commentary Article by Article*. 2018. 48 p. URL: https://www.ialana.info/wp-content/uploads/2018/04/Ban-Treaty-Commentary_April-2018.pdf (accessed 20.11.2021).
14. Ritchie N., Kmentt A. Universalising the TPNW: Challenges and Opportunities. – *Journal for Peace and Nuclear Disarmament*. 2021. Vol.4. Issue 1. P. 70-93. DOI: <https://doi.org/10.1080/25751654.2021.1935673>
15. Ryabkov S. *Russia's Non-proliferation Policy and Global Strategic Stability*. Moscow: PIR Press Publ. 2021. 11 p. URL: <http://www.pircenter.org/media/content/files/15/16396559640.pdf> (accessed)
16. Sauer T., Reveraert M. The potential stigmatizing effect of the Treaty on the Prohibition of Nuclear Weapons. – *The Nonproliferation Review*. 2018. Vol. 25. Issue 5-6.

- P. 437-455. DOI: <https://doi.org/10.1080/10736700.2018.1548097>
17. Tuzmukhamedov B. Pravovaya skorlupa dlya bez'yadernoi illyuzii [Legal Shell for the Nuclear-Free Illusion]. – *Rossiya v global'noi politike*. 2021. № 2. P. 120-130. (In Russ.). DOI: 10.31278/1810-6439-2021-19-2-120-130
18. Wolfsthal J.B., Kendall-Taylor A. *Arms Control and Strategic Stability with Russia. The View from Europe*. 2021. 5 p. URL: <https://s3.us-east-1.amazonaws.com/files.cnas.org/documents/CNAStansatlanticForumonRussia-ArmsControl-Dec2021.pdf?mtime=20211214094643&focal=none> (accessed 20.11.2021).

About the Authors

Mikhail N. Lysenko,

Cand. Sci. (Law), Associate Professor at the Department of International Law, Moscow State Institute of International Relations (University) MFA Russia

76, pr. Vernadskogo, Moscow, Russian Federation, 119454

mikelys@mail.ru
ORCID: 0000-0003-1358-8336

Anastasiya D. Ostapova,

Attaché of the Department for New Challenges and Threats, Ministry of Foreign Affairs of the Russian Federation

32/34, Smolenskaya-Sennaya pl., Moscow, Russian Federation, 119200

ostapova.a.d@my.mgimo.ru
ORCID: 0000-0002-2198-3005

Информация об авторах

Михаил Николаевич Лысенко,

кандидат юридических наук, доцент кафедры международного права, Московский государственный институт международных отношений (Университет) МИД России

119454, Российская Федерация, Москва, проспект Вернадского, д. 76

mikelys@mail.ru
ORCID: 0000-0003-1358-833

Анастасия Дмитриевна Остапова,

атташе Департамента по вопросам новых вызовов и угроз Министерства иностранных дел Российской Федерации

119200, Российская Федерация, Москва, Смоленская-Сенная пл., д. 32/34

ostapova.a.d@my.mgimo.ru
ORCID: 0000-0002-2198-3005