

## INTRODUCTION - BILLER

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On November 12, 2020, the International Section of the New York State Bar Association, the Fordham Center on National Security, and several other organizations hosted the previous edition of this Nuclear Weapons and International Law symposium. At the time, Russia had previously invaded and illegally annexed Ukraine's Crimean Peninsula, raising the specter of broader armed conflict in Europe and presenting increased risks of nuclear conflict. That specter partially materialized in February 2022 when Russia escalated the conflict by invading additional regions of Ukraine.

As the United States, Europe, and other states provided increasing assistance to Ukraine, Putin made thinly veiled threats to use nuclear weapons, warning that "If the territorial integrity of our country is threatened, we will certainly use all the means at our disposal to protect Russia and our people[.]... This is not a bluff." This threat came on the heels of placing Russia's nuclear forces on high alert and banning U.S. inspectors from nuclear weapons sites.

Despite the instability created by reversing decades of practices related to nuclear posturing, Russia further elevated the threat by suspending participation in the New START treaty and declaring they had deployed tactical nuclear weapons to Belarus. Putin also announced the production of a new heavy ICBM. Finally, in November 2023, Putin signed a revocation of the State's ratification of the 1996 Comprehensive Test Ban Treaty. Although there is some evidence that these actions amounted to bluster, with no change in nuclear doctrine, there is little doubt that the result was an escalated risk of the use of nuclear weapons.

The 2020 symposium was a needed and valuable addition to the discussion regarding the international law implications of nuclear weapons use. However, these recent events highlight the need for continued analytical work on this critical issue. This year's symposium brought together an impressive array of expertise and perspectives on several important questions, particularly the limitations on the use or threat of use of nuclear weapons within an armed conflict. Presenters included esteemed members of government, academia, international organizations, and non-governmental organizations. While the individuals presented diverse viewpoints on the issues raised, several consistent themes emerged during the discussions.

One particular theme consistently raised throughout the symposium was the existence of gaps in knowledge related to the effects of nuclear weapons and how those gaps affect the determination of the legality of nuclear weapons use. Despite the potentially devastating consequences resulting from the use of nuclear weapons, there is still much to learn in the way of the potential physical effects. State theories of "strategic ambiguity" have resulted in gaps of understanding as to when and how states might use nuclear weapons. Risk management strategies to prevent unintended escalation are underdeveloped. Finally, significant disagreement

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as to the legal parameters governing the use and threat of use of nuclear weapons continues to exist.

The symposium's organizers hope this event will spur increased study of the international law governing the use of nuclear weapons and all related fields of study. Providing adequate legal analysis becomes increasingly difficult without an appropriate understanding of the effects of use, state doctrine as to the deployment of nuclear weapons, and frameworks for managing escalation.

Finally, we must note that the viewpoints presented at the symposium and reflected in the following report do not necessarily indicate an endorsement by or reflect the views of their respective institutions. Except when otherwise indicated, all viewpoints presented were those of the presenters alone.