

The Power of the Powerless: Lessons from the TPNW and Reflections on the Practice of Diplomacy

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ABSTRACT

The negotiation of the Treaty on the Prohibition of Nuclear Weapons (TPNW) was a milestone in the history of nuclear diplomacy and marks a remarkable example of the “power of the powerless” in taking global political action. This article draws on the author’s experience as a woman diplomat from Costa Rica and as participant in and President of the historic 2017 treaty negotiations to reflect on the role in constructing new solutions to a long-standing global problem of small states and middle powers, civil society organizations, scientists, academia, and communities affected by nuclear weapons testing and development. These actors, traditionally seen as marginal in the prevailing global system, play pivotal roles in global processes. It places this exercise of power by the powerless in the context of the legacies of earlier individual leaders and countries that have significantly contributed to shaping the ideas and social movements that transform societies and the international system in the long term. The essay aims in particular to offer insights based on the TPNW negotiating experience into how concepts and practices of leadership and agency, and innovative processes, may help in the search by the international community for new paradigms and organizing principles at the current historic moment of overlapping crises, and multiple social, environmental, and technological transitions.

ARTICLE HISTORY

Received 7 December 2023
Accepted 8 December 2023

KEYWORDS

TPNW; nuclear weapon prohibition; small state leadership; international negotiation; innovate negotiation

Introduction

We are living in a historic moment of overlapping crises and multiple transitions of social, environmental, and technological nature with deep institutional and political implications. This era of global change and uncertainty poses a critical stress test to the global governance architecture that – with its strengths and limitations – has served us well for the last decades. This architecture now must demonstrate the capacity to address the main concerns of our generation, including rising extreme inequality, the continuing resort to the threat and use of force and war by states, the possibility of nuclear annihilation, the loss of the planet’s bio-capacity to hold seven billion people and the impact of climate change – knowing that the decisions made now will determine the future of humanity.

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As the international community searches for new paradigms and organizing principles, there hardly can be a more auspicious moment to shed light on *the power of the powerless*. Though not usually considered traditional wielders of power, these individual leaders and countries have significantly contributed to shaping the paradigms that define our lives today.

The ideas outlined here draw on my experience as a woman diplomat from Costa Rica and as participant in and President of the historic 2017 negotiation of the Treaty on the Prohibition of Nuclear Weapons (TPNW), a United Nations process led by small states, middle powers, civil society organizations, scientists, academia, and communities affected by nuclear weapons testing, development, and use. The title recalls the insight of the Czech dissident, poet, and statesman Vaclav Havel about “the power of the powerless” in his pathbreaking 1978 essay on the space for action by those outside the prevailing power establishment, which helped to inspire the Polish Solidarity movement and frame the role of public action in ending the Cold War (Havel 1978).

These reflections on the “power of the powerless” in the exercise of multilateral diplomacy in an unequal world rather than in national politics aim to illustrate that between the world described by Thomas Hobbes – characterized by selfish competition, conflict, and struggle, and the world envisioned by Emmanuel Kant where humans are rational beings capable of moral and ethical action – there lies a golden bridge for “the powerless”. Strengthened by solidarity, ideals, knowledge, and science, the “powerless” can imagine and advance proposals to shape a better world, to foster progress, innovation, and, above all, offer resources for hope in our capacity to affect change and to rise to the highest expression of ourselves.

The Contributions of “The Powerless”

Smaller states, and the individuals and communities within them, have long played underappreciated but important roles imagining, building and implementing international mechanisms on the world stage. They have realized historic achievements that defied the conventions of great power politics.

To illustrate, in 1945, in San Francisco, California, 850 delegates convened to negotiate the United Nations Charter with the aim to build a new beginning for the world, centered on the development for all peoples, respect of human rights, and the promise of collective security in the aftermath of the horrors and destruction of World War II.

In that context, four women – out of the 850 delegates – were signatories of the UN Charter. They were the representatives of Brazil, China, the Dominican Republic, and the United States.

Two of them, Bertha Lutz from Brazil and Minerva Bernardino from the Dominican Republic, were the trailblazers who made the UN Charter the first international document to recognize the equality of rights of men and women.¹ Likewise, they advocated for the inclusion of the discrimination faced by women in the principle of non-

¹Recent research and publications highlight the great leadership exercised by various women in shaping many political, normative and institutional processes in the international order over the last 75 years, including the case of Latin American women delegates in the drafting of the United Nations Charter. See, among others, Adami and Plesch (2022), especially the chapter by E. Dietrichson and F. Sator, “The Latin American Women: How they shaped the UN Charter and Why Southern Agency is Forgotten”.

discrimination (based on race, sex, language, or religion) in the respect and promotion of human rights, also enshrined in the Charter.

Their courage, resolve, and wisdom also led the negotiations to include the right of full participation of women in the workings of the organization, enshrined in Article 8 of the Charter. The new organization then, would not place any restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

Bertha and Minerva were able to influence this groundbreaking achievement, despite the opposition even of other women from the Global North, and the initial resistance of more than 800 delegates. Many of them represented countries where women did not even have the right to vote in the mid-forties, including my own country, Costa Rica, where women achieved their full citizenship in 1949.

Their momentum was continued by Alva Myrdal, the Swedish diplomat. In the early days of the United Nations, she became the first woman in a high-ranking position at the organization, while serving as Chief of the United Nations Social Affairs division and later as Director of Social Sciences at UNESCO.² In such roles, she considered it fundamental to build political commitment and mobilize public opinion to end the discrimination against women in education, political rights, and development. She later became the first woman to receive a Nobel Peace Prize for her work on nuclear disarmament (Myrdal 1982).

Myrdal understood the power of global movements to build consensus and universal standards that may later be codified in international treaties. She partnered with the Commission on the Status of Women, the United States, and Mexico, among many other countries, to establish a conceptual foundation and political traction for proposals on the empowerment of women. As a result of this long process, the first UN Conference on the Status of Women was held in Mexico City in 1975, paving the way for the Convention on the Elimination of Discrimination against Women (Linder 2001).³ Three more global conferences on the status of women continued the long march of global policymaking towards the formal elimination of discrimination suffered by women.

The last of such conferences, convened in Beijing in 1995, adopted a Plan of Action that significantly influenced the political system of many countries. In my own country, Costa Rica, the landscape of women's political participation in both the legislature and the cabinet underwent a profound transformation following the political commitments made in the Beijing Platform and Plan of Action. Today, Costa Rica ranks number 8 in the world in the political representation of women in parliament.

Fast-forward 75 years, I, Elayne Whyte, can attest that the opportunities I have had in my life's journey for education and participation in the high rankings of government and diplomacy in my own country and the world, are linked to the legacy, resolve, and the courage of Bertha and Minerva. Their influence was pivotal in framing the rights of women and helped establish an institutional apparatus to permanently oversee progress toward gender equality.

²At that moment, there were no other women in the executive level in any of the newly-founded international organizations, see Sluga (2014, 47).

³On the special role and leadership of Alva Myrdal, see Sluga (2014).

Another example of vision and leadership focuses on the concern of our generation with the relationship between human societies and our natural environment. The long-term shift, in this case, was catalyzed by Sweden's proposal in 1968 to hold the first United Nations Conference on Human Environment, hosted by Olof Palme, Prime Minister of Sweden, in Stockholm in 1972.⁴ This Conference created a process to permanently address the issues related to the sustainable use of society's natural environment, as well as the institutional and financial arrangements for international environment cooperation under the United Nations Development Program (UNEP).⁵

Years later, the Brundtland Report of 1987, titled *Our Common Future*, issued a warning about global and transboundary problems that need global action when it introduced the concept of sustainable development, without compromising the ability of future generations to meet their own needs. Despite these early warnings, it has taken humanity 50 years to mainstream the interconnectedness of the environment with the economic and social dynamics that define policy, science, business, and social awareness.

It was necessary to establish an Intergovernmental Panel on Climate Change (IPCC) to build the policy-science interface to better inform international decisions. Later, the second world Conference on Environment and Development – the Earth Summit of 1992 —agreed upon the international architecture to address the problems of climate change and biodiversity loss, in two legal instruments: the United Nations Convention on Climate Change and the Convention on Biological Diversity. However, it is until the last decade or so that mainstream thought and political discourse coincide in the acknowledgement that universal problems need solutions beyond the nation-state.

The international system has travelled through 50 years of learning and innovation to create a global response for a universal problem like climate change. However, it still struggles with questions regarding the effectiveness and impact of the agreed-upon framework.

What lessons can be drawn when considering the nuclear dilemma? In this field, the efforts of “the powerless” are the amongst the most consistent and strategic, although less visible to the wider public. It is still not widely known that the first decision adopted by the United Nations in 1946 was to establish the Commission to address the issue of atomic weapons and plan their elimination from national arsenals. Yet the nuclear arms race accelerated and persisted, despite the collective fears of humanity.

In 1955, 29 newly independent countries from Africa and Asia met at the Bandung International Conference (Indonesia). President Sukarno of Indonesia highlighted this conference as the “first intercontinental gathering of colored peoples in the history of mankind”, peoples that for many generations were the “voiceless and unregarded ones in the world”. Having achieved independence, they considered they had heavy responsibilities to themselves, to the world, and to yet-unborn generations.⁶

The Bandung Conference considered that “disarmament and the prohibition of the production, experimentation, and use of nuclear and thermo-nuclear weapons of war

⁴Background on the Stockholm declaration can be found at the United Nations Audiovisual Library: https://legal.un.org/avl/pdf/ha/dunche/dunche_ph_e.pdf. The speech by Prime Minister of Sweden, Olaf Palme can be accessed at <https://www.youtube.com/watch?v=y0-kONrKS78&t=148s>.

⁵The UNEP was created by Resolution 2997 of the United Nations General Assembly in 1972.

⁶Final Communiqué of the Asian-African Conference of Bandung”, 24 April 1955, https://content.ecf.org.il/files/M00822_BandungConference1955FinalCommuniqueEnglish.pdf.

were imperative to save mankind and civilization from the fear and prospect of wholesale destruction”. They considered it a duty towards humanity and civilization to proclaim their support for disarmament and for the prohibition of such weapons, and appealed to the world to bring about such disarmament and prohibition.

In 1958, Ireland, a nation of 2.8 million that had won formal independence from British colonial rule in 1922, introduced a resolution at the United Nations General Assembly, addressing the dangers of nuclear proliferation. Ireland proposed an agreement of non-transfer of nuclear capabilities, in order to freeze the so-called “Nuclear Club”, requesting the non-nuclear states not to acquire or produce such weapons (Chossudovsky 1990; Graham 2021). The agreement called for an end to testing of nuclear weapons, and urged all nations to work toward nuclear disarmament. Co-sponsored by Austria, Cambodia, Ceylon, Denmark, Finland, Iceland, Italy, Japan, Nepal, Norway, Portugal, Sweden, and Uruguay, the Irish resolutions adopted in three consecutive years introduced the concepts that shaped the nuclear order for the next 70 years: that of the prohibition of nuclear testing, the non-proliferation of nuclear weapons, and the process toward nuclear disarmament.

This initiative, known as the Irish Resolutions, initially faced opposition by the United States, who viewed such a resolution “dangerous and disruptive”. They considered it an impediment to the US plans of nuclear weapons deployment and nuclear sharing under NATO and believed that a non-proliferation agreement could not be verified.⁷ Years later, the resolution incorporated some of the NATO countries’ concerns, and both the United States and the Soviet Union voted in favor. The Irish resolution was adopted by acclamation in 1961 and helped shape the superpowers’ understanding about the nuclear test ban and non-proliferation as organizing principles of the new nuclear order. After the Cuban missile crisis in 1962, the United States and Soviet Union drafted the proposal of the Non-Proliferation Treaty (NPT) based on such concepts.

Mexico and the Non-Aligned movement overall played a fundamental role in balancing the initial proposal of the NPT by complementing the non-proliferation obligations proposed by the superpowers with the necessary legal commitment of all states, including but not limited to the nuclear states, towards disarmament, enshrined in Article VI of the Treaty. They also played a fundamental role in 1995 with the negotiations of the indefinite extension of the NPT, by requesting concrete steps towards realizing the provisions of Article VI. Nevertheless, after the reduction of nuclear arsenals at the end of the Cold War, the lack of progress in implementing such legal and political commitments toward disarmament marked a stalemate in the field of nuclear diplomacy and disarmament.

The Treaty on the Prohibition of Nuclear Weapons

Turning now to 2017, when 122 countries adopted the Treaty on the Prohibition of Nuclear Weapons at the United Nations, a process I had the honor and privilege to facilitate.

⁷National Security Archive, “60th Anniversary of Irish Resolution: A Forerunner of the NPT”, 29 October 2018, Washington D.C. <https://nsarchive.gwu.edu/briefing-book/nuclear-vault/2018-10-29/60th-anniversary-irish-resolution-forerunner-npt>.

This treaty represents historic, institutional, political, and legal innovations, not only because it is the arrival point for the quest for justice of the survivors of atomic explosions, but also because it is the culmination of a process at the United Nations to address the illegality of nuclear weapons possession, use, and the threat of use, in accordance with the UN Charter. It has contributed to a set of emerging paradigm shifts in discourses and policy about nuclear deterrence and disarmament.

To gain a deeper understanding of this process, it is essential to highlight some of the transformative elements intrinsic to this initiative driven by the *power of the powerless*:

- (i) **The diversification of agency and leadership.** This process of norm-building was led by a coalition of small states and middle powers: Ireland and Austria, Mexico and Brazil, Nigeria, and South Africa, civil society organizations, and survivors of atomic explosions and nuclear testing. Just as with the Irish resolution, the initial reaction of the Nuclear Club was rejection, considering the treaty irrelevant or dangerous.
- (ii) **The paradigm shifts.** The Treaty – with its strong and categorical prohibition of nuclear weapons – brought about a qualitative innovation in the way we approach, discuss, and act on nuclear weapons, profoundly challenging the nuclear orthodoxy heralded by the nuclear powers. It displaced the emphasis of the discussion from state-security constructions towards the legitimate concern on the impact that any use of these weapons would have on human beings and the environment. Challenging the orthodoxy of nuclear deterrence, the treaty stigmatizes nuclear weapons in international law, reflecting the decision of the powerless to use their agency to build a new conceptual framework irrespective of the immobility of the nuclear powers. A categorical rejection of these weapons delegitimizes them as instruments of international security because of their contradiction with international humanitarian law, international human rights law, international environmental law, among others.
- (iii) **The bridge between science and policy.** Incorporating the scientific evidence of the catastrophic consequences of any use of nuclear weapons allows us to analyze nuclear weapons in light of the bodies of legal and scientific knowledge held by the international community, including international law, sustainable development, international human rights law, and international environmental law. While recognizing the disproportionate impact of radiation on women, girls, and indigenous populations, it also touches upon notions of non-discrimination and inherent human dignity which are fundamental tenets of the international community.
- (iv) **Linkages with other processes.** The international community went through a highly successful period of multilateral collaboration at the beginning of the 21st century. In 2015, we witnessed the achievement of the Paris Agreement on climate change and the adoption of the 2030 Development Agenda. Consequently, it became vital that the issue of nuclear weapons – the other existential concern of humanity – was not left out of the courageous and visionary agreements addressing the core problems of humanity through multilateral negotiation processes.

- (v) **Innovations in process.** The negotiation conference created a new approach to treaty negotiations. First, the conference included more than 130 delegations, more than 200 representatives of civil society organizations, including academics, scientists, and survivors of the atomic bomb explosions in Japan and of nuclear tests in various parts of the world. In addition, the conference received the support of more than 3,000 scientists from around the world and included more than 50 working papers contributed by specialists. Academia, international non-governmental organizations, and religious communities supported the conference and the work of the negotiating conference President. Second, negotiations spearheaded new practices to promote interaction between official delegations with civil society and experts within the conference sessions, sorely lacking from most international fora dealing with nuclear policy negotiations. Initial fixed national positions were deconstructed, and a new process of building common perspectives based on expert knowledge and collaboration between official and civil society aspirations created a more convergent treaty drafting process.
- (vi) **Innovations in treaty drafting.** The negotiations introduced a new approach to treaty drafting by not initiating negotiations with a draft text. This strategy helped us sidestep the challenge of delegations being confined to fixed positions, which can be more time-consuming to adjust. Instead, negotiations started with an initial exchange on the substance of the treaty and the aspirations and expectations of the participants regarding the content and scope of the instrument. Based on the initial discussion, we identified areas of convergence and the chair-based treaty drafting process developed the text on the basis of the areas of convergence, avoiding the deadlock often generated by bracketed text.
- (vii) **Ethical strength and thinking outside of the box.** The TPNW is the result of deep conviction, the ethical and moral imperative of nuclear disarmament, and a strong political determination that had been gradually shaped over the years by civil society and governments and that took special force with the process that we know as the humanitarian initiative. Three non-UN diplomatic conferences convened by the governments of Norway, Mexico, and Austria from 2013 to 2014 brought about new thinking, leadership, doctrine, political articulations, strategies, and momentum in a multi-actor process. Civil society brought a new perspective to nuclear diplomacy, not only in substance but also in negotiation strategies. This new approach was skillfully led by a group of experienced diplomats using the United Nations procedures and institutional settings to obtain – after several years and resolutions – a negotiation mandate by the General Assembly, under the auspices, legitimacy, and convening force of the U.N.

Lessons and Reflections by Way of a Conclusion

There are numerous experiences throughout history in which “the powerless” contribute with their agency to building solutions to global problems, particularly when the most

powerful states find themselves in gridlock. Such instances offer lessons and reflections about the *power of the powerless* that are valuable in the context of the 21st century.

Climate change, rising extreme inequality, the possibility of nuclear annihilation, and the loss of the planet's bio-capacity or democratic backsliding are the most challenging concerns of this generation. Conversely, the dominant theoretical formulations and the political narrative continue to present the international system through the perspective of polarity, balances, and transitions of hard power, "Thucydides dilemmas" and strategic-military competition, threats, deterrence, and military expenditure. Policy areas that bound us together in the past such as trade, health, and technology, are now weaponized in new threat and competition dynamics (See Sanahuja 2019, 149–150).

With such paradigms, tensions, competition, and threats are met with yet more military buildup, and nuclear weapons modernization, resulting in a historic peak in world military expenditure. Nelson Mandela referred to this perspective in 1998 before the United Nations General Assembly when he observed a "*primitive tendency towards the glorification of arms, the adulation of force, born of the illusion that injustice can be perpetuated by the capacity to kill, or that disputes are necessarily best resolved by resort to violent means*" (Mandela 1998).

In this context, in the 21st century, there appears to be a common understanding that the world order and diplomacy are changing and yet few people can identify exactly how, where they are heading or how to approach such changes.

Part of the literature focuses on the dynamics of power, whether we are moving towards a multipolar, a pluri-polar, or an "a-polar" world. Likewise, there is significant reflection on how the emerging powers will relate to the liberal world order, whether they will challenge it, complement it, or try to replace it.

Other currents are more concerned about global governance, and focus on how to adapt the institutional architecture to a new world order, and how to make institutions more effective in negotiating, adopting, or implementing decisions. How to react to non-compliance with agreements and norms is one of the most important challenges of our time.

However, other dimensions at the operational level play a crucial role in shaping the outcomes of today's multilateral politics. Throughout my service at the United Nations, three key aspects emerged in this regard: i) working methods (how could we adapt them to the new challenges and circumstances); ii) choices of instruments (it usually takes as long as a decade to negotiate treaties), and iii) approaches overcoming the "silo mentality" to include systems thinking and to link problems and solutions to reinforce policy action.

Amidst these operational considerations, the imperative for new paradigms and organizing principles becomes evident. We have entered an age characterized by the need to negotiate beyond the interests of the nation-state. We need to find innovative ways to negotiate on behalf of humanity, in search of global solutions. These challenges transcend the nation-state, affect current and future generations alike, demanding new creative ideas to solve them. This requires a recalibration of how we understand national interest – not only through the lens of zero-sum competition –. In fact, the sustainability of the state and two of its main dimensions, population and territory, are intricately linked to the sustainability of the planet

and the human race, a perspective that needs to be incorporated in the construct of “national interest”.

We thus need solid and effective mechanisms to deal with existential threats to humanity. In this line, building global public goods is as important for the survival of the nation-state as it is for humanity as a whole. The paradigm of international negotiation also must evolve to meet this new reality. Governments no longer negotiate solely for a “national interest” confined to the geographical boundaries of the Nation-State; they negotiate for humanity and its sustainability.

In this regard, the academic literature has already outlined the jurisdictional, participation and incentive challenges encountered in building global public goods.⁸ Here, I reference them and contribute additional insights from my own experience:

Awareness gap

Both the public and governments often lack awareness of the wide range of everyday activities that depend on global public goods -whether provided by public or private actors. These play a critical role in sustaining planetary interactions, including civil aviation, telecommunications, meteorology and the transfer of scientific knowledge, among many others.

Jurisdiction gap

Most global policy responses are still thought of in the context of the instruments of national jurisdiction, laws and policies. We need to craft new instruments.

Participation gap

It matters who gets to sit at the table when negotiating for problems that are not only of states but problems of people and planet. When finding solutions to universal problems, all actors are entitled to contribute. We thus need to make room.

Incentives gap

What kind of incentives do governments have to engage in global solutions and cooperative behavior? In this context, political factors gain relevance, especially in the majority of the world governed by periodic elections where political leaders are challenged by policies that have short-term costs and long-term benefits.

Epistemic communities

Scientists and experts play an important role in unleashing the power of innovation and in building the interface between science and policy. Diplomats should actively foster such communities. They can help enhance the policymaking process while also contributing to the continuity of policies across different political administrations.

⁸See Kaul, Grunberg and Stern (1999). They highlight three main gaps: jurisdictional, participation and incentives.

Financing global action

In conversations with heads of agencies, the concern that comes across is the insufficient financial basis for the type of global action required. The current dependence on public financial sources poses challenges due to increasing limitations and competing priorities.

Justice and fairness

In all global negotiations, different expressions of claims and aspirations of justice and fairness, including even historic grievances, should be considered. The nuclear weapons policy debate is a good reflection of this ongoing discussion and aspiration.

A system's approach

Issue linkages across previously independent policy areas serve to reinforce implementation and improve negotiation outcomes. For small states this is both challenge and advantage: small nations cannot easily allocate personnel exclusively to a single topic for long periods, but having officials manage a broad policy portfolio provides them with a panoramic perspective and fosters systemic approaches – they can grasp policy linkages between different areas.

New working methods

Last but not least, constant exploration of novel working methods is crucial, to avoid institutional inertia and gridlock and to foster innovation and adaptability to new challenges. This, however, has proven a daunting task.

Taken together these perspectives help us focus on and put to work the deep social or political forces that transform the international system and societies in the long term. These forces include the power of ideas and social movements to craft solutions to global problems and the resolve, wisdom, and strategic perseverance of courageous individuals to rise to the responsibility of our common concerns. Their legacies throughout history should serve as a source of inspiration and hope for this generation, as we confront the existential challenges that lie before us.

Acknowledgments

This text is adapted from a public lecture by Elayne G. Whyte at Princeton University on April 11, 2023 as part of the Princeton School of Public and International Affairs Dean's Leadership Series. The author extends sincere appreciation to Dean Amaney Jamal and to the Program in Science and Global Security for the invitation to deliver the lecture, and to Ananya Malhotra for invaluable assistance in editing and revising the lecture for publication.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Notes on Contributor

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