

# Abolition 2000 NWC Reset: Frameworks for a Nuclear-Weapon-Free World

A working paper for the 2023 Preparatory Meeting for the 11th NPT Review Conference  
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*Abolition 2000 Working Group on the UN Disarmament Agenda  
and a Nuclear Weapons Convention<sup>1</sup>*

The Abolition 2000 Working Group on the UN Disarmament Agenda and a Nuclear Weapons Convention prepared the original working paper outlining frameworks for disarmament for the 10<sup>th</sup> Nuclear Non-Proliferation Treaty Review Conference, held in August 2022. Our hope then and now has been to underline the continuing importance of attention to the control and elimination of nuclear arsenals and how that might be achieved, no matter how difficult near-term progress towards that goal might appear. We also hoped to encourage people and governments to consider the strengths and weaknesses of a range of approaches to disarmament.

States Parties to the NPT have an obligation under article VI of the NPT to end the nuclear arms race and pursue negotiations in *good faith* on nuclear disarmament. They have subsequently made commitments at the 1995 NPT Review and Extension Conference, and at the 2000 and 2010 NPT Review Conferences, to implement this obligation in order to achieve a nuclear-weapon-free world. In addition, the International Court of Justice and the UN Human Rights Committee have affirmed a universal and unconditional obligation to achieve a nuclear-weapon-free world. Implementation of these obligations is not contingent on a situation of peace, but must be pursued at all times. Indeed, implementation of these obligations could also contribute to the building of confidence and peace.

We therefore re-submit the proposals made in our 2022 working paper, complemented by some additional observations.

## **Political environment**

The Russian war of aggression on Ukraine, with its attendant nuclear threats, brings into sharp focus the increasing risks of nuclear war by accident, miscalculation, crisis escalation and/or intent that make disarmament that much more urgent. Direct, coercive threats by Russia to use nuclear weapons have been made to defend the invasion and annexation of Ukraine territory, as well as public tests of nuclear-capable missiles and forward deployment of nuclear weapons to a neighboring State (Belarus) to demonstrate a high level of willingness to use the weapons.

The Ukraine war also has demonstrated the dangers of 21<sup>st</sup> century warfare, with its mix of missiles, missile defenses, aircraft, unpiloted vehicles, ever more complex earth- and space-based sensing and communications technologies, and disruptive electronic and cyberwarfare pushing the pace and complexity of war to the limits of human comprehension.

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<sup>1</sup>The Abolition 2000 Global Network for the Elimination of Nuclear Weapons is an open, international network of civil society organizations working to achieve a nuclear-weapons-free world. Abolition 2000 was established in 1995 during the NPT Review and Extension Conference. Over 2000 organizations globally have endorsed Abolition 2000's principle call for the achievement of a nuclear weapons convention. The list of members of the working group who co-drafted this working paper are listed at the end of the paper.

The intensifying array of antagonisms among nuclear-armed governments, of which the Ukraine war is just one manifestation, are accelerating a broad-spectrum multipolar arms race. Fast-developing technologies are creating new non-nuclear capabilities of strategic significance and are being incorporated into new or modernized systems for delivering nuclear weapons and for defending against them. All this has led as well to the temptations and perils of applying artificial intelligence to weapons systems, amidst a more general high-stakes AI technology competition.

And the European theatre is not the only region experiencing increased tensions among nuclear armed states. These are also occurring in North-East Asia, South China Sea, South Asia and the Middle East.

Against this grim background, nuclear disarmament may appear as a prospect too distant to merit much attention in a dangerous and demanding present. But controlling nuclear weapons and charting a path towards their elimination always have been a mix of incremental measures undertaken in difficult times and long-term efforts to build the elements for a nuclear-weapon-free world. Treaties to limit nuclear arms and related technologies were negotiated in the depths of the Cold War, even while nuclear-armed states were engaged in active hostilities.

The United States and the Soviet Union completed the first Strategic Arms Limitation Treaty and the Anti-Ballistic Missile Treaty during the war in Vietnam, a war in which the U.S.S.R. provided weapons and assistance to the Democratic Republic of Vietnam, including anti-aircraft systems (some with Soviet crews) that downed U.S. aircraft. The Nuclear Non-Proliferation Treaty, the only arms treaty that on its face requires its nuclear-armed parties to negotiate to eliminate their nuclear arsenals, entered into force for its 43 initial parties, including the nuclear-armed United States, United Kingdom, and U.S.S.R, at the height of that war in 1970. Arms control efforts continued through the Cold War, with additional treaties completed and broader preparatory work done both by governments and by elements of civil society, with both non-government experts and mass disarmament movements playing a substantial role.

All of this prepared the ground for more rapid progress when the largely unanticipated political developments that constituted “the end of the Cold War” occurred.

### **Negotiations, deliberations and constructive thinking**

Equally important amidst the current crisis, we learned during the Cold War that even when the prospects for tangible disarmament progress are dim, negotiations between nuclear-armed adversaries can have other positive results. Negotiations allow the military and political leadership of the adversaries to better understand each other’s intentions, and their fears. They build broader channels of communication between military and government bureaucracies that can be of tremendous value when tensions rise.<sup>2</sup>

Even those in nuclear-armed governments at war who do not believe the time is ripe to negotiate the end of hostilities currently underway should recognize the value of talking to their adversaries at every opportunity about limiting the most dangerous of all weapons, and about assuring that they will never be used. There is no fruitful goal that can be achieved by any government if its people and the means to

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<sup>2</sup> William Perry, Secretary of Defense during the Clinton Administration, observed that more determined arms control efforts in the 1970s might have considerably reduced the dangers of the 1980’s “second Cold War” between the United States and the Soviet Union: “a successful arms-control agreement could have put a brake on the arms race, but even more important, it would have engaged us in a dialogue with our deadly foe, given both sides a degree of transparency, and, most critically, given us context – a better understanding of our opponent – to inform the awesome decisions we were expected to make in a heartbeat.” See Alexey Arbatov, “Understanding the US–Russia Nuclear Schism,” *The International Institute for Strategic Studies, Survival*, vol. 59, no. 2, April–May 2017, pp. 33–66, at p. 42 quoting William Perry, *My Journey at the Nuclear Brink* (Stanford: Stanford Security Studies, 2015) p.53.

sustain them do not survive. And no government has the right to put the existence of its people, or any other people, at risk merely to assure the government's own political survival.

Thinking about how to prevent the use of nuclear weapons in the present and thinking about how to eliminate them entirely are complementary efforts. As long as nuclear weapons exist, it will *always* be the right time to be thinking concretely and constructively about how we will eliminate them, forever.

## **A framework for nuclear disarmament**

NPT Review Conferences have devoted some attention over the past three decades to a framework or convention approach to achieving the Treaty's disarmament goals. Notably, the final agreed document of the 8<sup>th</sup> Review Conference of States Parties to the Nuclear Non-Proliferation Treaty, adopted May 28, 2010, included this commitment rooted in NPT Article VI:

*All States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons. The Conference notes the Five-Point Proposal for Nuclear Disarmament of the Secretary-General of the United Nations, which proposes inter alia the consideration of negotiations on a nuclear weapons convention or a framework of separate mutually reinforcing instruments backed by a strong system of verification.*<sup>3</sup>

Regrettably the 10<sup>th</sup> Review Conference of States Parties to the Nuclear Non-Proliferation Treaty, meeting in August 2022, was unable to reach agreement on a final outcome document. UN Secretary-General Antonio Guterres remarked that "The fraught international environment and the heightened risk of nuclear weapons being used, by accident or through miscalculation, demand urgent and resolute action." He appealed "to all States to use every avenue of dialogue, diplomacy, and negotiation to ease tensions, reduce nuclear risk and eliminate the nuclear threat once and for all."<sup>4</sup>

Bearing in mind the Secretary-General's warning, this discussion paper focuses on building the necessary framework to achieve and maintain a world without nuclear weapons.

The paper:

- a) Explores the legal, technical and institutional measures and framework to facilitate the elimination of nuclear weapons, including to implement objectives of disarmament (stockpile reduction and destruction), verification, compliance, security and general governance;
- b) Considers existing mechanisms which could be used to meet some of these requirements, and ascertains what else might be required to fill the gaps;
- c) Explores possible modalities and approaches for filling these gaps, including possibilities of expanding the roles of existing mechanisms and/or establishing new mechanisms.

This paper is intended to raise crucial issues, ideas and questions. It does not attempt to comprehensively address these. The authors of the paper welcome feedback and engagement with governments, experts and civil society representatives to take forward the commitment to collectively build the framework for a nuclear-weapon-free world.

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<sup>3</sup> NPT/CONF.2010/50, Conclusions and recommendations for follow-on actions, Section I B (iii) page 20. [https://undocs.org/NPT/CONF.2010/50%20\(VOL.I\)](https://undocs.org/NPT/CONF.2010/50%20(VOL.I))

<sup>4</sup> UN chief disappointed nuclear treaty conference ends without consensus, <https://news.un.org/en/story/2022/08/1125572>

## a) A framework of legal, technical and institutional measures to facilitate the elimination of nuclear weapons

The 1995, 2000, and 2010 commitments must be reaffirmed and implemented in good faith by *all* states. It's time to refocus on a negotiated framework to achieve and maintain a nuclear-weapon-free world, and actions that can be taken, in particular, by the nuclear-armed and allied states.

There are a range of approaches to establishing such a framework.

The approach indicated by the States Parties to the NPT in 2010, i.e. '*a nuclear weapons convention or a framework of separate mutually reinforcing instruments backed by a strong system of verification*', is encapsulated in the proposal of a Nuclear Weapons Convention (NWC) as a progressive comprehensive approach to achieving a nuclear-weapon-free world.<sup>5</sup> This approach involves engagement of nuclear armed and allied states in a negotiated process to progressively reduce nuclear weapons stockpiles<sup>6</sup> and phase out reliance<sup>7</sup> on nuclear weapons, while at the same time building confidence and security through the establishment of effective verification, compliance and conflict resolution mechanisms.

The Model NWC, circulated as a UN Document in 2007<sup>8</sup> and submitted to the 2010 NPT Review Conference,<sup>9</sup> outlines in detail such a progressive, comprehensive framework of legal, technical and institutional measures to achieve a nuclear-weapon-free world. That framework would apply universally, capturing all nuclear-armed states, currently the five acknowledged by the NPT (China, France, Russia, UK, US) and the four outside the NPT (DPRK, India, Israel, and Pakistan).

The 2007 Model NWC is an updated and revised version of the first 1997 Model NWC.<sup>10</sup> It was drafted following the agreement of States Parties to the NPT in 1995 that, among the measures whose achievement was "*important for the full realization and effective implementation of Article VI*", "[t]he determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons."

The 2007 Model NWC was also submitted to the UN Open Ended Working Group on Taking Forward Multilateral Negotiations on Nuclear Disarmament in 2016.<sup>11</sup>

The Model NWC, which builds on the experience of other treaties prohibiting and eliminating whole classes of weapons (most notably the Chemical Weapons Convention), includes sections on:

- General Obligations;
- Definitions;

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<sup>5</sup> A 'progressive, comprehensive' approach means that the final result is a comprehensive convention or package of agreements that provides for the complete elimination of nuclear weapons under effective verification and control, but that the achievement of this could be undertaken in incremental phases rather than in one big step. This has also been described as an incremental-comprehensive approach. See 'An Incremental-Comprehensive Approach' in *Securing our Survival: The Case for a Nuclear Weapons Convention*, Datan, Hill, Scheffran and Ware, 2007. pp27-29. <http://www.lcnarchive.com/pubs/2007-securing-our-survival.pdf>

<sup>6</sup> See Section IV of the Model NWC: Phases for Implementation;

<sup>7</sup> The Model NWC envisages a comprehensive prohibition on the threat or use of nuclear weapons applying on entry-into-force (EIF) of the negotiated convention. However, there are at least two ways in which an NWC process could involve a progressive approach to phasing out and ending reliance on nuclear weapons. The first is that the negotiations on all aspects of the NWC will likely take some time, during which initial measures could be adopted. The second is that EIF requirements are proposed that provide a choice for states parties to accept EIF of the NWC for them unilaterally once they ratified or only after other listed nuclear capable states have ratified.

<sup>8</sup> UN Document A62/650

<sup>9</sup> NPT/CONF.2010/PC.I/WP.17

<sup>10</sup> Presented in: Datan, M., A. Ware, M. Kalinowski, J. Scheffran, V. Sidel, J. Burroughs (1999) *Security and Survival. The Case for a Nuclear Weapons Convention*. Cambridge, MA: IPPNW, IALANA, INESAP.

<sup>11</sup> Conference paper A/AC.286/WP.11

- Declarations;
- Phases for Implementation;
- Verification;
- National Implementation;
- Rights and Obligations of Persons;
- Institutional arrangements including a governing Agency;
- Procedures for destroying weapons and preventing production;
- Nuclear Material;
- Nuclear Facilities;
- Delivery Vehicles;
- Compliance and Dispute Settlement;
- Entry-into-Force;
- Scope/Application, including Relationship to Other International Agreements.

While the 2007 Model NWC provides the most comprehensive overview of a potential legal, technical and institutional framework for establishing a nuclear-weapon free world,<sup>12</sup> there have been a number of developments since 2007 that also need to be considered. These include changes in existing international agreements and mechanisms (see below), the emergence of a new, multi-polar arms race and new weapons technologies of strategic significance including, *inter alia*, the increased military relevance of cyberspace and outer space, development of new verification techniques, and the relation of these to nuclear weapons. The civil society organizations submitting this discussion paper are considering these new developments, and welcome dialogue with States Parties to the NPT – especially the nuclear armed and allied States – on their implications.

## **b) Existing mechanisms and the gaps**

The Model NWC highlights existing international agreements and mechanisms that contribute to nuclear disarmament. These include, *inter alia*, the International Atomic Energy Agency and its safeguards regime, the Comprehensive Nuclear Test Ban Treaty (CTBT) and the CTBTO Preparatory Commission, the existing nuclear-weapon free zones, UN Security Council Resolution 1540 and the UN 1540 Committee, the Convention on the Suppression of Acts of Nuclear Terrorism, and the START Treaty between Russia and the United States.

Since the Model NWC was released, another bilateral US-Russia agreement was reached, the New START Treaty.<sup>13</sup> On the multilateral plane, the Treaty on the Prohibition of Nuclear Weapons (TPNW), prohibiting the acquisition, possession, threat and use of nuclear weapons for those parties ratifying it, was negotiated in 2017 and entered into force in 2021. The nuclear-armed states and NATO and other nuclear ally states did not participate in negotiation of the TPNW<sup>14</sup> and have stated or signalled that they will not join the treaty.

The Model NWC was an inspiration for the TPNW. The moral, political, and legal norms—including international humanitarian and human rights law—that should drive the abolition of nuclear arms are powerfully articulated by the TPNW. In addition, the TPNW adds a new element to the nuclear disarmament sphere, positive obligations of victim assistance and environmental remediation in

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<sup>12</sup> For details see: Datan, M., F. Hill, J. Scheffran, A. Ware, M. Kalinowski, V. Sidel (2007) *Securing Our Survival. The Case for a Nuclear Weapons Convention*. Cambridge, MA: IPPNW, IALANA, INESAP (<http://inesap.org/node/22>).

<sup>13</sup> New START, the last remaining bi-lateral arms control treaty will expire in 2026 unless a follow-on agreement is negotiated. Russia's announcement that it has "suspended" its participation in the treaty puts its future in question. In addition, the 2015 JCPOA—the Iran Nuclear Deal—added new approaches in terms of safeguards and mechanisms of compliance which might provide further lessons for the development of comprehensive verification and compliance measures for nuclear disarmament. The JCPOA became inoperative due to US withdrawal under the Trump administration and it is uncertain whether it will be revived.

<sup>14</sup> An exception is the Netherlands, which did participate in the negotiations.

relation to injury and damage caused by use and testing of nuclear weapons. However, unlike the Model NWC, the TPNW provides only a minimal framework for nuclear disarmament, lacking procedures for destroying existing stockpiles safely, securely and verifiably, and mechanisms to ensure that they will never again be built.<sup>15</sup> The TPNW framework could be further developed through protocols or other related instruments.

In terms of normative development, it is also significant that in 2018 the UN Human Rights Committee adopted General Comment 36 on the right to life as codified in the International Covenant on Civil and Political Rights (ICCPR). The committee affirmed that the threat or use of nuclear weapons is incompatible with respect for the right to life and that states parties to the ICCPR have obligations to refrain from producing nuclear weapons, to destroy existing stockpiles and to provide adequate reparation to victims of nuclear weapons testing and use.<sup>16</sup> Mechanisms for monitoring state compliance with such obligations are provided by the Human Rights Committee and the UN Human Rights Council.

Overall, despite the advances since the release of the 2007 Model NWC, the gaps between the real world with nuclear weapons and the far better world without them remain large.

### **c) Modalities and approaches for filling the gaps**

There are a range of modalities and approaches for establishing the remaining legal, technical and institutional measures and mechanisms required to achieve and maintain a nuclear-weapon-free world.

These include:

- negotiation of a comprehensive nuclear weapons convention or package of agreements;
- negotiation of a framework agreement which includes the legal commitment to achieve a nuclear-weapon-free world, identifies the measures and pathways required in general terms, and provides a process for agreeing on details over time;
- negotiation of protocols to the TPNW or related instruments which nuclear armed and allied states would sign as part of a process for them to join the TPNW and build the nuclear destruction, elimination, verification and compliance process through the TPNW, particularly its Article 4.<sup>17</sup>

In assessing and implementing these options, it is essential to focus on the practical requirements, measures and mechanisms to achieve and sustain a nuclear weapons free world. Various modalities or approaches can be used for making progress, so long as their output reflects, in general, the principles of transparency, irreversibility, verifiability and participation.<sup>18</sup>

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<sup>15</sup> For a comprehensive comparison of the elements of the TPNW and the Model NWC, see Merav Datan and Jürgen Scheffran, "The Treaty is Out of the Bottle: The Power and Logic of Nuclear Disarmament", *Journal for Peace and Nuclear Disarmament*, Nagasaki University, February 2019 (<https://doi.org/10.1080/25751654.2019.1584942>)

<sup>16</sup> Para. 66, <https://undocs.org/CCPR/C/GC/36>.

<sup>17</sup> Article 4 Section 6 of the TPNW states: "The States Parties shall designate a competent international authority or authorities to negotiate and verify the irreversible elimination of nuclear weapons programs".

<sup>18</sup> Verifiability, irreversibility and transparency have generally been accepted as key principles in disarmament agreements. This is reflected, for example in the 2010 NPT Final Outcome document (NPT/CONF2010/50) section A: Principles and Objectives, Action 2: "All States parties commit to apply the principles of irreversibility, verifiability and transparency in relation to implementation of their treaty obligations." Additional principles relating to the participation of all relevant stakeholders – including impacted communities, experts, civil society organizations, women and youth - have been affirmed in recent disarmament treaties and in *Securing our Common Future: An Agenda for Disarmament*, released by the UN Secretary-General in May, 2018, [www.un.org/disarmament/sg-agenda/en/](http://www.un.org/disarmament/sg-agenda/en/)

## Recommendations

States Parties to the Non-Proliferation Treaty should start phasing out reliance on nuclear weapons and building the framework for a nuclear-weapons-free world by:

- 1) Commencing serious deliberations at upcoming PrepComs and in other venues, formal or informal, on the legal, technical and institutional measures to progressively reduce nuclear weapons stockpiles and phase out reliance on nuclear weapons, and to achieve the global prohibition and elimination of nuclear weapons under strict, effective and verifiable international control;
- 2) Adopting a concrete plan at the UN General Assembly, Conference on Disarmament and/or the 11<sup>th</sup> NPT Review Conference to implement those measures, with benchmarks, timelines, and measurable goals for their achievement; and
- 3) Committing to a timeframe of no later than 2030 for the adoption of a framework, package of agreements or comprehensive nuclear weapons convention,<sup>19</sup> and no later than 2045 for full implementation,<sup>20</sup> in order to fulfil the NPT Article VI and customary law obligation to achieve the global elimination of nuclear weapons no later than the 100<sup>th</sup> anniversary of the first use of nuclear weapons, the 75<sup>th</sup> anniversary of the NPT and the 100<sup>th</sup> anniversary of the founding of the United Nations.

## Conclusion

Over a decade has passed since States Parties to the NPT reaffirmed their disarmament obligations in the 2010 Review Conference Final Document. Considerable progress has been made by non-nuclear states through the establishment, for example, of nuclear-weapon-free zones and the adoption of the TPNW. In contrast, there are no negotiations for disarmament or even far-reaching arms control among the nuclear-armed states in progress or on the horizon. Moreover, throughout this period, tensions among nuclear-armed countries have been rising, with the potential for war increasing. With the Russian war on Ukraine a stark reality, we are now seeing all too clearly that these dangers are not mere distant possibilities but pressing realities.

Against this background, reconsideration of a Nuclear Weapons Convention, or a package of mutually reinforcing instruments backed by a strong system of verification, was already in order. Consideration of the elements that nuclear-armed and allied states might need to negotiate helps to make concrete “the key issues that must be overcome to achieve lasting global nuclear disarmament”<sup>21</sup>—or to reveal that those key issues lie elsewhere than in the legal and technical requisites for disarmament. Those elements are relevant and crucial whatever path is chosen to elimination.

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<sup>19</sup> This recommendation envisages no more than 5 years, starting from 2025, to conclude the negotiations for a nuclear weapons convention or framework agreement. An insurgence of political will could enable an earlier starting and concluding date to such negotiations.

<sup>20</sup> Key obligations of a nuclear weapons convention or framework agreement would be established on Entry-into-Force, which should occur relatively soon after adoption of the convention/framework agreement. This would include the ‘negative’ obligations such as prohibitions on the threat or use of nuclear weapons as well as on their testing, production and deployment. However, it will take some time to undertake the positive obligations, i.e. dismantlement and full destruction of nuclear weapons stockpiles, destruction and/or conversion of delivery vehicles, safe disposition of fissile materials, and establishing effective verification measures to monitor compliance with weapons destruction plans. In addition, it will most likely be necessary to undertake the destruction of nuclear weapons in monitored phases. Most of the nuclear armed states will need to establish confidence that the other nuclear armed states are complying with their disarmament obligations prior to taking the final steps of moving from low numbers of nuclear weapons to zero nuclear weapons. The Model NWC envisages that 15 years would likely be required to undertake this process. See footnotes 3, 8 and 10.

<sup>21</sup> “[W]e reiterate our opposition to the Treaty on the Prohibition of Nuclear Weapons.... The TPNW fails to address the key issues that must be overcome to achieve lasting global nuclear disarmament.” 2012 [P5 Joint Statement on the Treaty on the Non-Proliferation of Nuclear Weapons - GOV.UK \(www.gov.uk\)](#)

Today, with four nuclear-armed countries possessing over 90% of the world's nuclear weapons engaged directly or indirectly in a major war in Europe, the need for a renewed commitment to nuclear disarmament is more urgent than ever. Over three quarters of a century ago in the wake of the atomic bombing of Hiroshima, philosopher Albert Camus called on the people of the world to demand that their governments come to their senses. It is a call that resounds again today:

*Faced with the terrifying perspectives which are opening up to humanity, we can perceive even better that peace is the only battle worth waging. It is no longer a prayer, but an order which must rise up from people to their governments—the order to choose finally between hell and reason.*<sup>22</sup>

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Members of the Abolition 2000 Working Group who co-drafted this NPT working paper  
Titles are included for identification purposes only

**Edward A. Aguilar J.D.** *Pennsylvania Director for the Coalition for Peace Action. Member of the 1997 Model NWC drafting committee;*

**Giorgio Alba.** *Abolition 2000 Global Council member;*

**John Burroughs.** *Senior Analyst, Lawyers Committee on Nuclear Policy;*

**Jackie Cabasso.** *Executive Director, Western States Legal Foundation. Co-Chair of the Abolition 2000 NWC Working Group;*

**Robin Collins.** *Member, Pugwash Canada. Co-Chair, Canadian Network to Abolish Nuclear Weapons;*

**Marc Finaud.** *Head of Arms Proliferation, Geneva Centre for Security Policy. Vice President, Initiatives pour le désarmement Nucléaire;*

**Andrew Lichterman.** *Senior Research Analyst, Western States Legal Foundation;*

**Vanda Proskova.** *Co-convenor, Youth Fusion;*

**Elizabeth Shafer J.D.** *Board member, Lawyers Committee on Nuclear Policy. Member of the 1997 Model NWC drafting committee;*

**Prof. Dr. Jürgen Scheffran.** *Head of Research Group Climate Change and Security, Universität Hamburg. Co-Chair INES and 1997 Model NWC Drafting Committee;*

**Ariana Smith.** *Executive Director, Lawyers Committee on Nuclear Policy.*

**Alyn Ware.** *Peace and Disarmament Program Director, World Future Council. International Representative, Aotearoa Lawyers for Peace. Co-Chair, Abolition 2000 NWC Working Group. Co-Chair, 1997 Model NWC Drafting Committee. Drafting coordinator for the 2007 revised Model NWC.*

**Dave Webb.** *Board member, Campaign for Nuclear Disarmament (CND). Member, Abolition 2000 Coordinating Committee.*

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<sup>22</sup> Albert Camus, *Between Hell and Reason, Combat*, August 6, 1945, in Kai Bird and Lawrence Lifschultz, eds., *Hiroshima's Shadow: Writings on the Denial of History and the Smithsonian Controversy*, (Stony Creek, Connecticut: 1998), p. 261.