



The International Section of
the New York State Bar Association
is proud to sponsor

Nuclear Weapons and International Law 2025: Nuclear Risks through a Legal Lens

Thursday, January 30, 2025
9:00 a.m. – 6:35 p.m. via Zoom
(virtual reception to follow)

<https://nysba.org/events/nuclear-weapons-and-international-law-2025-nuclear-risks-through-a-legal-lens/>

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AGENDA

9:00 – 9:20 a.m. **Introductory Remarks**

- **Prof. Charles J. Moxley, Jr.**, Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC
- **Prof. John D. Feerick**, Professor and Dean Emeritus, Fordham Law School
- **Karen J. Greenberg**, Director, Fordham Law School, Center on National Security
- **Prof. Jeffrey Biller**, Director, Law, Technology and Warfare Research Cell, United States Air Force Academy
- **Carlos Ramos-Mrosovsky**, Chair, International Section, New York State Bar Association
- **Gent Salihu**, Editor-in-Chief, Georgetown Law School, *Journal of International Law*
- **Dr. Deepshikha Vijh**, Executive Director, Lawyers Committee on Nuclear Policy

9:20 – 9:30 a.m. **Bar Presidents' Introductions**

- **Domenick Napoletano**, President, New York State Bar Association
- **William R. Bay**, President, American Bar Association

9:30 – 9:45 a.m. **Introductory Comments: Hon. William J. Perry, Secretary of Defense, 1994-1997: The Risks of Nuclear Weapons: How Concerned Should We Be?, to be introduced by Jonathan Granoff, President, Global Security Institute; Senior Advisor, Permanent Secretariat of the World Summits of Nobel Peace Laureates**

9:45 – 11:00 a.m. **Panel 1: Contemporary Strategic Environment and Nuclear Weapons Risks**

Examining the contemporary strategic environment and related risks of intentional and inadvertent use of nuclear weapons, including the situations in Ukraine and the Middle East; Russia's expansionism; China's nuclear build-up and posture towards Taiwan; the United States' continued focus on nuclear weapons and deterrence; and cyber risks and AI.

Faculty:

- **Moderator: Prof. Jeffrey Biller**, Director, Law, Technology and Warfare Research Cell, United States Air Force Academy
- **Hon. Dr. Christopher Ashley Ford**, former U.S. Assistant Secretary of State for International Security and Nonproliferation (also performing the duties of the Under Secretary of State for Arms Control and International Security)
- **Daryl G. Kimball**, Executive Director, Arms Control Association
- **Hans M. Kristensen**, Director, Nuclear Information Project, Federation of American Scientists

- **Dr. Shane Smith**, Director, Institute for National Security Studies and Associate Professor, Dept. of Political Science, United States Air Force Academy

11:00 – 11:10 a.m. Break

11:10 – 12:50 p.m. Panel 2: Application of International Law to Potential Uses of Nuclear Weapons—Practical Considerations as to How It Works and Should Work

Examining requirements of international law, as applied in assessing the lawfulness of potential uses of nuclear weapons, including examination of how such analysis is and should be conducted at various stages from the design, development, and acquisition of such weapons through potential use of the weapons; consideration of what potential effects of the use of a nuclear weapon are or should be considered by legal advisors and decision-makers in assessing the lawfulness of potential uses of such weapons; consideration of how certain legal advisors or decision-makers must be of various potential effects of a potential use of a nuclear weapon for such potential effects to be relevant to the assessment of the lawfulness of such a use, including the legal significance of uncertainties and known unknowns as to potential effects of nuclear weapons uses in assessing the lawfulness of such uses; questions of what information, if any, legal advisors and decision-makers need to have to make the assessment whether the use of a nuclear weapon would be lawful, and whether the weapons use may proceed in the absence of such information; consideration of how one assesses the lawfulness of various levels of likelihood of potentially unlawful effects of such weapons; requirements under international law for *per se* unlawfulness of weapons uses; consideration of the continuing role, if any, of *jus ad bellum* once a State is engaged in armed conflict and *jus in bello* has become applicable, and of the extent to which threats are precluded under *jus ad bellum*; the role, if any, of legal advisors who have advised that potential uses of a nuclear weapon would be unlawful; and the question of whether nuclear weapons could lawfully be used in reprisal.

Faculty:

- **Moderator: Dr. John Burroughs**, Senior Analyst, Lawyers Committee on Nuclear Policy
- **Lieutenant Colonel Travis Lieb**, United States Army, Deputy Staff Judge Advocate at United States Strategic Command
- **Prof. Shawn McKelvey**, Assistant Professor of Law, United States Air Force Academy
- **Prof. Charles J. Moxley, Jr.**, Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC
- **Allen S. Weiner**, Senior Lecturer in Law and Director, Stanford Program in International Law

12:50– 1:50 p.m. Lunch

1:00 – 1:45 p.m. Luncheon Reflections: Contemporary Realities as to the Roles of Nuclear Weapons and Nuclear Deterrence—A Conversation Between Thomas Countryman, Board Chairman, Arms Control Association and Jonathan Granoff, Introduced by Daryl G. Kimball, Executive Director, Arms Control Association

1:50 – 3:05 p.m. Panel 3: Discussion: Contemporary Realities as to the Role of International Law Now and in the Future as Concerns Potential Uses of Nuclear and Other Weapons

Consideration of the extent to which international law concerning the use of force is meaningful? To what extent does—can—it play a significant role in restraining uses of force in armed conflict? What role has it played historically? What has the level of compliance been? What is the trend? Is its role potentially different as concerns nuclear weapons in light of their effects (to be reviewed)? What is the impact of the sheer level of armaments on prospects of warring parties' compliance with international law? To what extent does the political leadership care about the requirements of international law? To what extent does the military leadership care about such requirements? To what extent does this vary from State to State? What are the real-world practicalities as to how and whether requirements of international law would make a difference in decision-making as to nuclear weapons in exigent circumstances? Does international law concerns the use of force drop out in exigent circumstances, or does it continue in effect?

2:30-2:45 The Congressional Perspective: Congressman Ted Lieu, 36th District of California, in dialogue with **Jules Zacher**, Board Chair, Council for a Livable World; Executive Board Member, the Center for Ethics and the Rule of Law at the Annenberg Public Policy Center at the University of Pennsylvania; Board Member, Lawyers Committee on Nuclear Policy

Faculty:

- **Moderator: Prof. Jeffrey Biller**, Director, Law, Technology and Warfare Research Cell, United States Air Force Academy
- **Dr. Laura Grego**, Senior Scientist and Research Director, Union of Concerned Scientists
- **Lieutenant Commander Christopher J. Hart**, USN, J.D., Assistant Professor, United States Naval Academy
- **Brady Mabe**, Legal Advisor, International Committee of the Red Cross (ICRC)
- **Colonel Theodore T. Richard**, United States Air Force Judge Advocate, Staff Judge Advocate at Space Operations Command

3:05 – 3:15 p.m. Break

3:15 – 4:35 p.m. Panel 4: Broadening the Discussion—Examining Additional Approaches and Legal Regimes Potentially Applicable to Risks Posed by Nuclear Weapons: A Brainstorming Session

Potential relevance of other areas of law and legal approaches in assessing the lawfulness of the threat and use of nuclear weapons, including: the overriding potential of law for addressing such matters; human rights law; fiduciary obligations of corporate officers and directors of defense contractors; crimes against humanity; crimes against the peace; universal jurisdiction; environmental law; legal principles applicable to potential inchoate violations of international law; legal regime applicable to obligations, if any, of nuclear weapons States to maintain security of their nuclear weapons; role of law students and lawyers in nuclear weapons policy and decision-making.

Faculty:

Opening Thoughts on the Potential of Law—the Judicial Perspective: Hon. Shira Scheindlin (U.S.D.J., Ret.), Of Counsel, Boise Schiller Flexner LLC

- **Moderator: Prof. Charles J. Moxley, Jr.,** Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC
- **David Gibson, Director,** Fordham Center on Religion and Culture; Fordham liaison, Catholic Peacekeeping Network
- **Prof. Richard W. Painter,** S. Walter Richey Professor of Corporate Law, University of Minnesota Law School
- **Prof. Daniel Rietiker,** Ph.D., International Law Lecturer, Lausanne University, Adjunct Professor, Suffolk University Law School
- **Randy Rydell,** Executive Advisor, Mayors for Peace; Senior Political Affairs Officer, Office of the High Representative for Disarmament Affairs (Ret.)

4:35 – 4:45 p.m. Break

4:45 – 6:30 p.m. Panel 5: The International Law of Threat and Nuclear Deterrence—A Deep Dive

Threat law: Examining the law of threat under *jus ad bellum* and *jus in bello*, and, again, the applicability, if any, of *jus ad bellum* in the course of armed conflict subject to *jus in bello*; consideration of what the term “threat” means in this context—what types of words or actions rise to the level of constituting a threat as a matter of international law; rulings of the ICJ and other courts concerning the law of threat, including the 1996 *Nuclear Weapons Advisory Decision*; consideration of generally accepted rules of law across the world’s legal systems concerning threats as a potential source of international law as to what constitutes an unlawful threat.

Nuclear deterrence: Examining the contemporary theory and policy of nuclear deterrence, including such considerations as the scope of the “vital interests” deterrence is designed to protect; the role and significance of ambiguity in the policy of deterrence; the level of intrusion on such

interests that must be threatened to implicate deterrence; the extent, if any, to which the policy of deterrence threatens mutual assured destruction (MAD); the scope or extent of nuclear attack that nuclear deterrence threatens or implies; and the extent, if any, to which the policy of deterrence threatens self-assured destruction (SAD).

Nuclear deterrence and law: consideration of whether, or, at what point, and the extent to which deterrence rises to the level of constituting a “threat” as a matter of law; whether the policy of deterrence is specific enough to constitute a threat as a matter of law; whether and, if so, how the ambiguity element of the policy of deterrence affects the lawfulness of the policy; whether the full scope of nuclear attack posited by nuclear deterrence complies with applicable law; and consideration of whether nuclear deterrence may lawfully be used to address potential military challenges for which conventional weapons would suffice.

Faculty:

- **Moderator: Prof. Charles J. Moxley, Jr.**, Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC
- **Dr. John Burroughs**, Senior Analyst, Lawyers Committee on Nuclear Policy
- **Prof. Claire Finkelstein**, Algernon Biddle Professor of Law, University of Pennsylvania Law School
- **Prof. Anna Hood**, Associate Professor, University of Auckland
- **Lieutenant Colonel Travis Lieb**, United States Army, Deputy Staff Judge Advocate at United States Strategic Command
- **Prof. David Luban**, University Professor and Professor of Law and Philosophy, Georgetown University Law Center

6:30– 6:35 p.m. Closing Reflections

- **Jonathan Granoff**, President, Global Security Institute; Senior Advisor, Permanent Secretariat of the World Summits of Nobel Peace Laureates
- **Prof. Jeffrey Biller**, Director, Law, Technology and Warfare Research Cell, United States Air Force Academy
- **Dr. John Burroughs**, Senior Analyst, Lawyers Committee on Nuclear Policy
- **Prof. Charles J. Moxley, Jr.**, Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC

6:35 – 7:30 p.m. Virtual Reception

FACULTY BIOGRAPHIES

William R. Bay

President, American Bar Association



William R. “Bill” Bay, a partner with the St. Louis office of national law firm Thompson Coburn LLP, is president of the American Bar Association, the world’s largest voluntary association of lawyers, judges, and other legal professionals.

A longtime leader in the ABA, Bay co-chaired the Practice Forward initiative, which addressed member concerns regarding the COVID-19 pandemic and the future of the profession. Bay also served as chair of the House of Delegates from 2018 to 2020 and, from 2012 to 2013, chaired the Section of Litigation. He chaired the ABA Day Planning Committee Chair in both 2021 and 2022.

A Fellow in the American Bar Foundation, Bay served on the ABA Board of Governors and chaired its Finance Committee from 2015 to 2016. For more than 20 years, he has been a member of the ABA House of Delegates, serving on numerous committees.

Bay’s leadership has extended to other ABA entities, including its Standing Committee on Bar Activities and Services (chair, 2009 to 2012); Commission on Racial and Ethnic Diversity in the Profession; Commission on Governance; Legal Opportunity Scholarship Fundraising Committee; Death Penalty Representation Project; and Young Lawyers Division.

Beyond the ABA, Bay is active in several local and state bar associations. He is a past president of the Bar Association of Metropolitan St. Louis and a past member of The Missouri Bar Board of Governors, where he chaired several committees. He is a Fellow of The Missouri Bar Foundation.

Notably, Bay has been selected to co-chair several statewide commissions focused on increasing access and opportunities for women attorneys; achieving equal access to justice for litigants, regardless of race or ethnicity; and exploring the future of the legal profession in Missouri. He currently co-chairs the Supreme Court of Missouri’s Commission on Racial and Ethnic Fairness.

Bay is a highly experienced litigator who has represented major corporations in high-stakes litigation for more than 30 years. His clients vary from major financial institutions to manufacturers to post-secondary institutions, and he regularly helps organizations manage and respond to large portfolios of litigation in multiple jurisdictions. He is also a member of the American Law Institute, the leading independent organization in the United States that produces scholarly work to clarify, modernize and improve the law.

In recent years Bay has been honored with the Spurgeon Smithson award, a top honor given by The Missouri Bar; the Distinguished Lawyer Award, the highest honor awarded by the Bar Association of Metropolitan St. Louis; an Excellence in Law Award from St. Louis Magazine; and Missouri Lawyers Weekly’s Influential Lawyer Award. He has appeared in The Best Lawyers in

America since 2012 and has been recognized by Best Lawyers multiple times as the St. Louis Lawyer of the Year for Litigation-Banking and Finance.

Bay received his B.A. from the University of Missouri and his J.D. from the University of Michigan Law School.

Prof. Jeffrey Biller

Director, Law, Technology and Warfare Research Cell, United States Air Force Academy



Jeffrey Biller is an Assistant Professor of Cyber Law and Policy with the United States Air Force Academy. In addition to performing faculty duties with the Department of Law, he is part of Air Force CyberWorx, partnering with government, industry, and academia to develop innovative cyber solutions to the Air Force's most complex problems. He is also the co-director of the Law, Technology, and Warfare Research Cell.

Jeffrey is a retired Lieutenant Colonel in the United States Air Force, where he served over twenty years as a SERE Instructor, Intelligence Officer, and Judge Advocate. Prior to joining the Air Force Academy, he served as a military professor and Director for the Law of Armed Conflict at the Stockton Center for International Law, part of the US Naval War College. His previous assignments include advising the Air Force's cyberspace wings and its component to the intelligence community

Dr. John Burroughs

Senior Analyst, Lawyers Committee on Nuclear Policy



Dr. John Burroughs is Senior Analyst for Lawyers Committee on Nuclear Policy (LCNP) in New York City. From 1999 to 2020 he was the Executive Director. He has represented LCNP in Nuclear Non-Proliferation Treaty review proceedings and in negotiations on the Treaty on the Prohibition of Nuclear Weapons. He was a member of the legal team for the Marshall Islands in its nuclear disarmament cases in the International Court of Justice. His publications include *The Legality of Threat or Use of Nuclear Weapons: A Guide to the Historic Opinion of the International Court of Justice* (1998); co-author, [Nuclear](#)

[Weapons and Compliance with International Humanitarian Law and the Nuclear Non-Proliferation Treaty](#), Fordham International Law Journal (2011); co-editor and contributor, [Nuclear Disorder or Cooperative Security? U.S. Weapons of Terror, the Global Proliferation Crisis, and Paths to Peace](#) (2007); [The Inadmissibility of Nuclear Threats](#), Arms Control Today (April 2024); and articles and op-eds in Bulletin of the Atomic Scientists, Newsday, and other journals and newspapers. Burroughs has taught international law as an adjunct professor at Rutgers Law School. He has a J.D. and Ph.D. from the University of California at Berkeley and a B.A. from Harvard University.

Articles

[The Inadmissibility of Nuclear Threats](#), John Burroughs, Arms Control Today (April 2024)
[Looking Back: The 1996 Advisory Opinion of the International Court of Justice](#), Arms Control Today (July/August 2016)

Books

The Legality of Threat or Use of Nuclear Weapons: A Guide to the Historic Opinion of the International Court of Justice (1998)

[Nuclear Disorder or Cooperative Security? U.S. Weapons of Terror, the Global Proliferation Crisis, and Paths to Peace](#) (2007); Co-Editors: Michael Spies and John Burroughs

Thomas Countryman

Board Chairman, Arms Control Association



Mr. Countryman was the acting undersecretary of state for arms control and international security. He served for 35 years as a member of the U.S. Foreign Service until January 2017, achieving the rank of minister-counselor, and was appointed in October 2016 to the position of acting undersecretary of state. He simultaneously served as assistant secretary of state for international security and nonproliferation, a position he had held since September 2011.

Contact Information:

tcountryman@armscontrol.org

Recent Publications and Citations

[На нет и ракет нет \(For No, No Rockets\)](#)

[Kommersant](#)

October 4, 2024

[О сдерживании сдержанно \(About Deterrence with Restraint\)](#)

[Kommersant](#)

October 4, 2024

[Exclusive: U.S. researchers find probable launch site of Russia's new nuclear-powered missile](#)

[Reuters](#)

September 28, 2024

[China flexes its nuclear muscles during UNGA](#)

[Politico](#)

September 27, 2024

[Catholic leaders to attend 'groundbreaking' forum on nuclear weapons](#)

[Catholic News Agency](#)

Prof. John D. Feerick

Professor and Dean Emeritus, Fordham Law School



A graduate of Fordham College at Rose Hill, Feerick earned his law degree at the University's School of Law, then located at 302 Broadway. As editor-in-chief of the Fordham Law Review, he wrote an article about presidential succession, which later served as the foundation of the 25th Amendment to the Constitution, an amendment Feerick helped draft at the invitation of the American Bar Association in 1964. His efforts led to a Pulitzer Prize nomination and established his reputation as one of the sharpest legal minds of his generation.

In 1982, following a 21-year legal career at Skadden, Arps, Slate, Meagher & Flom, he became dean of Fordham Law. During his 20-year tenure, he built the law school's ethics and dispute resolution curriculum, public service and clinical programs, as well as various centers and institutes. His dedication to the Jesuit philosophy of service to others led to the establishment of nationally recognized programs in legal ethics, public interest law, clinical legal education, and international human rights.

Widely respected for his mediation and arbitration skills, Feerick served as the inaugural chair of the ethics committee of the Dispute Resolution Section of the American Bar Association. He also chaired a joint committee of legal, arbitration, and conflict resolution professionals that generated national standards for mediation, and he adjudicated several high-profile labor cases, including the 1994 transit negotiations in New York and the 1999 National Basketball Association lockout.

Feerick has also held a number of public positions. He served as a member of the New York State Law Revision Commission and the New York State Committee to Promote Public Trust and Confidence in the Legal System, and he was chair of the state's Commission on Public Integrity.

In 2006, Fordham University established the Feerick Center for Social Justice at Fordham Law School. The center's mission reflects that of its founding director: to protect the underprivileged from a wide array of social ills, while working to bolster workers' rights and access to legal services.

Prof. Claire Finkelstein

Algernon Biddle Professor of Law, University of Pennsylvania Law School



Claire Finkelstein's current research addresses national security law and policy, democratic governance, and professional ethics.

Finkelstein is the founder and faculty director of the [Center for Ethics and the Rule of Law \(CERL\)](#), a non-partisan interdisciplinary institute affiliated with the University of Pennsylvania's Annenberg Public Policy Center (APPC). She is a distinguished research fellow at APPC and a senior fellow at the Foreign Policy Research Institute (FPRI).

An expert in the law of armed conflict, military ethics, national security law, and professional ethics, she is a co-editor (with Jens David Ohlin) of [The Oxford Series in](#)

Ethics, National Security, and the Rule of Law, and an editor of six of its volumes: *Targeted Killings: Law & Morality in an Asymmetrical World* (2012); *Cyber War: Law and Ethics for Virtual Conflicts* (2015); *Weighing Lives in War* (2017); *Sovereignty and the New Executive Authority* (2018); *Preserving Cultural Heritage in Times of War* (2022), and *Between Crime and War: Hybrid Legal Frameworks for Asymmetric Conflict* (forthcoming, 2022). She has published widely in national security and democratic governance, and most recently led a working group of over 30 national security professionals to produce a significant [report](#) discussing recommendations for closing Guantanamo Bay Prison.

Finkelstein is a sought-after national security consultant, briefing individuals, Pentagon officials, U.S. Senate staff, and JAG Corps members on issues relating to national security law and practice. She is also regularly consulted on matters of personal and professional ethics. She is a frequent radio, podcast, broadcast, and print commentator and has published op-eds in *The New York Times*, *The Washington Post*, *Bloomberg*, and *Newsweek*. Her other scholarly work has focused on criminal law theory, moral and political philosophy, jurisprudence, and rational choice theory.

Hon. Dr. Christopher Ashley Ford

Former U.S. Assistant Secretary of State for International Security and Nonproliferation (also performing the duties of the Under Secretary of State for Arms Control and International Security)



Dr. Christopher Ford was sworn in as Assistant Secretary for International Security and Nonproliferation on January 9, 2018. In his current capacity, Dr. Ford was additionally delegated the authorities and functions of the Office of the Under Secretary for Arms Control and International Security on October 21, 2019. Before coming to ISN, Dr. Ford served as Special Assistant to the President and Senior Director for Weapons of Mass Destruction and Counterproliferation at the National Security Council.

Dr. Ford began his public service in 1996 as Assistant Counsel to the Intelligence Oversight Board and then served on several Congressional staffs, including the Senate Select Committee on Intelligence. In 2003, he served as Principal Deputy Assistant Secretary in the State Department's Bureau of Verification and Compliance (now the Bureau of Arms Control, Verification, and Compliance). In 2006, he was named U.S. Special Representative for Nuclear Non-Proliferation, where he was responsible for U.S. diplomacy with respect to the Treaty on the Non-Proliferation of Nuclear Weapons.

From 2008 to 2013, Dr. Ford was a Senior Fellow at Hudson Institute, a foreign affairs and national security think tank. In 2013, Dr. Ford returned to Congress where he served on the Senate Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, and the Senate Committee on Foreign Relations.

Dr. Ford also served as an intelligence officer in the U.S. Navy Reserve from 1994 until 2011, receiving an Honorable Discharge at the rank of Lieutenant Commander.

He is the author of three books and scores of articles and monographs.

Dr. Ford earned an A.B., summa cum laude, at Harvard University, a D.Phil. at Oxford University in the United Kingdom (as a Rhodes Scholar), and a J.D. at Yale Law School.

A native of Cincinnati, Ohio, Dr. Ford lives with his family in Bethesda, Maryland.

David Gibson

Director, Fordham Center on Religion and Culture; Fordham liaison, Catholic Peacekeeping Network



David Gibson was appointed the director of the CRC in July 2017, coming to New York's Jesuit university after a long career as an award-winning religion journalist, author, and filmmaker. He is also a convert to Catholicism and he came by all those vocations by accident--or Providence--while working at the English Program at Vatican Radio in Rome in the late 1980s. He returned to the United States in 1990 and worked for newspapers throughout the New York area and has written for a variety of magazines and periodicals.

Gibson is the author of two books on Catholicism: [*The Coming Catholic Church: How the Faithful are Shaping a New American Catholicism*](#) and [*The Rule of Benedict: Pope Benedict XVI and His Battle with the Modern World*](#). He co-wrote and co-produced several documentaries on Christianity for CNN and the History Channel and co-authored a book on biblical archeology, [*Finding Jesus: Faith. Fact. Forgery*](#), the basis of a popular CNN series of the same name.

Before coming to Fordham, Gibson worked for six years as a national reporter at Religion News Service and specialized in coverage of the Vatican and the Catholic Church. Gibson is a frequent media commentator and op-ed writer on topics related to the Catholic Church and religion in America.

Jonathan Granoff

President, Global Security Institute; Senior Advisor, Permanent Secretariat of the World Summits of Nobel Peace Laureates



Jonathan Granoff, President of the Global Security Institute, Permanent Observer to the UN of the International Anti-Corruption Academy, and Representative to the UN of the World Summits of Nobel Peace Laureates.

An international lawyer and former professor of international law. Recipient of the 2020 Lifetime Achievement Award of the International Law Section of the American Bar Association and Senior Advisor to its Committee on National Security. Fellow and Trustee of the World

Academy of Art and Science and recipient of numerous awards such as the Arthur Armitage Distinguished Alumni Award of Rutgers University School of Law and Distinguished Alumni Award of Vassar College 2023.

Mr. Granoff is the award-winning screenwriter of *The Constitution: The Document that Gave Birth to a Nation*, and a prolific scholar and author. Featured guest and expert commentator on hundreds of radio and television programs, and testified as an expert in the US Congress, Parliaments of the UK and Canada, and at the United Nations numerous times.

He serves on numerous boards, such as the Jane Goodall Institute and Parliamentarians for Nuclear Nonproliferation and Disarmament. Nominated for the Nobel Peace Prize in 2014.

Karen J. Greenberg

Director, Fordham Law School, Center on National Security



Karen J. Greenberg is the Director of the Center on National Security at Fordham Law. Her most recent book is *Subtle Tools: The Dismantling of American Democracy from the War on Terror to Donald Trump*. Her books include *Rogue Justice: The Making of the Security State* (2016) and *The Least Worst Place: Guantanamo's First One Hundred Days* (2010).

She has edited many volumes including *Reimagining the National Security State: Liberalism on the Brink* (2019), *The Enemy Combatant Papers: American Justice, the Courts, and the War on Terror* (2008), *The Torture Papers: The Road to Abu Ghraib* (2005), *The Torture Debate in America* (2005). She is Editor-in-Chief of the CNS Soufan Group Morning Brief and the Aon Cyber Brief. Her work has been featured in the New York Times, The Washington Post, The Los Angeles Times, The San Francisco Chronicle, The Nation, The National Interest, Mother Jones, The Atlantic, The New Republic, The American Prospect, TomDispatch.com, and on major news channels.

She is a permanent member of the Council on Foreign Relations, an International Studies Fellow at New America and a Visiting Fellow at the Soufan Center.

Education

- Ph.D., Yale University
- BA, Cornell University

Dr. Laura Grego

Senior Scientist and Research Director, Union of Concerned Scientists



Dr. Laura Grego is a senior scientist and the research director of the Global Security Program at the Union of Concerned Scientists, where she has worked at the intersection of science and public policy, in particular nuclear weapons, missile defense, and space security issues, for twenty years. She recently completed a Stanton Nuclear Security Fellowship at the Laboratory for Nuclear Security and Policy at MIT. Before joining UCS, Dr. Grego was a postdoctoral researcher at the Harvard-Smithsonian Center for Astrophysics.

She has authored numerous articles and reports on security issues, and frequently gives talks to expert and non-expert audiences and serves as a subject matter expert for the media. She meets regularly with U.S. government staff and officials and international diplomats to provide scientific information and advocate for better policies for a healthy, safe, sustainable future.

Dr. Grego serves on the American Physical Society's (APS) Panel on Public Affairs as the representative of the Forum on Physics and Society and serves on the steering committee of the Physicists Coalition for Nuclear Threat Reduction. She is an associate editor for the journal *Science and Global Security*, and a 2021 Fellow of the APS. She received her PhD in experimental physics from the California Institute of Technology, and BS degrees in physics and astronomy from the University of Michigan. An expert source for print, radio, TV, and online news, Dr. Grego has been cited by the *Boston Globe*, *Chicago Tribune*, *Los Angeles Times*, *New Scientist*, *New York Times*, *Washington Post* and *USA Today*, and has appeared on CNN, Fox News, the Discovery Channel, and NPR.

Lieutenant Commander Christopher J. Hart, USN, J.D.

Assistant Professor, United States Naval Academy



LCDR Chris Hart is an assistant professor in the U.S. Naval Academy's (USNA) Leadership, Ethics, and Law Department. He teaches the "Law of Armed Conflict" and "International Law of the Sea" electives, as well as the senior-level core course "Law for Naval Leaders" and the sophomore-level core course "Ethics and Moral Reasoning for Naval Leaders." In his time teaching at the Naval Academy he has also taught courses in leadership and economics. He is the USNA Law of Armed Conflict Competition Director, in which role he serves as a faculty advisor and coach to midshipmen competing in various international humanitarian law competitions.

After graduating from the Naval Academy in 2009, LCDR Hart served as a division officer on the USS ALBANY (SSN 753) in Norfolk Virginia, where he completed a European Command (EUCOM) deployment. He then served as the Reactor Plant Technology Division Director at the Naval Nuclear Power Training Command in Charleston, South Carolina. He next completed a

department head tour as the Engineer Officer on the USS RHODE ISLAND (SSBN 740), which included an Engineered Refueling Overhaul and two strategic deterrent patrols.

He holds a Juris Doctor (J.D.) from the University of Maryland Francis King Carey School of Law, a Masters of Business Administration (M.B.A.) from the Robert H. Smith School of Business at the University of Maryland, a Masters of Engineering Management from Old Dominion University, and a B.S. in History from the United States Naval Academy. He is also a candidate for an LL.M. in National Security Law at Georgetown University Law Center with a projected completion date of May 2025.

LCDR Hart is licensed to practice law in the District of Columbia.

Prof. Anna Hood

Associate Professor, University of Auckland



Anna is an associate professor at the Auckland Faculty of Law. She is a public international law academic whose research focuses primarily on international disarmament law, international law and security and international law in Aotearoa New Zealand.

Outside of her international legal work, Anna also has a keen research interest in the role of law schools and universities in 21st century democracies as well as gender issues in the legal profession.

In addition to her academic teaching and research activities, Anna provides pro bono international legal advice to a range of civil society organisations and governments. In August 2022, she was the civil society participant in the New Zealand delegation to the Nuclear Non-Proliferation Treaty Review Conference in New York and from 2018-2022 she was the Vice President of the Australia New Zealand Society of International Law.

Prior to joining the Auckland Law School in mid-2015, Anna was on the faculty at Melbourne Law School. She has also worked in litigation in Australia, and for NGOs in the United States and Uganda.

Daryl G. Kimball

Executive Director, Arms Control Association



Daryl G. Kimball has been Executive Director of the Arms Control Association (ACA) and publisher and contributor for the organization's monthly journal, *Arms Control Today*, since September 2001.

For more than two decades at ACA, Kimball has led the organization's education, research, and policy advocacy campaigns on a range of issues, including cancellation of new nuclear weapons programs, negotiation and

ratification of the 2010 New START agreement, opposition to the controversial U.S.-India nuclear cooperation agreement, the conclusion of the 2015 P5+1 nuclear deal with Iran, efforts to promote entry into force of the Comprehensive Test Ban Treaty and strengthen implementation of the nuclear Nonproliferation Treaty, the negotiation of the 2014 Arms Trade Treaty, and strengthening the taboo against chemical weapons. He is a frequent expert source for reporters and policymakers, and has written and spoken extensively about nuclear arms control, disarmament, non-proliferation, and the effects of weapons production, testing, and use. In 2004, National Journal recognized him as one of the ten key individuals whose ideas will help shape the policy debate on the future of nuclear weapons. In 2011, the MacArthur Foundation recognized ACA as an “exceptional organization that effectively addresses pressing national and international challenges with an impact that is disproportionate to its small size.”

From 1997 to 2001, he was the executive director of the Coalition to Reduce Nuclear Dangers, a consortium of 17 of the largest U.S. non-governmental organizations working together to strengthen national and international security by reducing the threats posed by nuclear weapons. While at the Coalition, Daryl coordinated community-wide education, research and lobbying campaigns for the CTBT, further deep and verifiable reductions in nuclear weapons stockpiles, and against the deployment of an unproven and ineffective national missile defense system. From 1989-1997, Kimball worked as the Associate Director for Policy and later, the Director of Security Programs for Physicians for Social Responsibility (PSR), where he organized media, lobbying and public education campaigns against nuclear weapons production and testing, and research projects on the health and environmental impacts of the nuclear arms race. His work helped to expose and accelerate the cleanup of a toxic, Cold War-era [nuclear weapons production site in his hometown](#) of Oxford, Ohio. Through PSR, Daryl also spearheaded non-governmental efforts to win Congressional approval for the 1992 nuclear test moratorium legislation, to extend the test moratorium in 1993, to win U.S. support for a “zero-yield” test ban treaty, and for the U.N.’s endorsement of the CTBT in 1996.

Kimball was a former Herbert R. Scoville Peace Fellow (1989), a graduate of Miami University of Ohio (1986), where he received his B.A. in Political Science and Diplomacy/Foreign Affairs, and was the recipient of the Ohio Governor’s Youth Award for Peace (1985).

Recent Publications and Citations

[ACA Welcomes Trump’s Acknowledgement of the “Tremendous” Cost and Dangers of Nuclear Weapons and Interest in “Denuclearization” with Russia and China PressRoom](#)

January 24, 2025

[New Biden MTCR policy will free long-range missile tech, space launcher sales to key allies, partners](#)

[Breaking Defense](#)

January 17, 2025

[Jaap Ramaker \(1939-2024\)](#)

[Arms Control Today](#)

January 10, 2025

[U.S. Says Pakistan Developing Long-Range Missiles](#)

[Arms Control Today](#)

January 10, 2025

[New Biden MTCR policy will free long-range missile tech, space launcher sales to key allies, partners](#)
[Breaking Defense](#)

Hans M. Kristensen

Director, Nuclear Information Project, Federation of American Scientists



Hans M. Kristensen is Director of the Nuclear Information Project at the Federation of American Scientists where he provides the public with analysis and background information about the status of nuclear forces and the role of nuclear weapons. He specializes in using the Freedom of Information Act (FOIA) in his research and is a frequent consultant to and is widely referenced in the news media on the role and status of nuclear weapons.

His collaboration with researchers at NRDC in 2010 resulted in an estimate of the size of the U.S. nuclear weapons stockpile that [was only 13 weapons off](#) the actual number declassified by the U.S. government.

Kristensen is co-author of the Nuclear Notebook column in the Bulletin of the Atomic Scientists and the World Nuclear Forces overview in the SIPRI Yearbook. The Nuclear Notebook is, according to the publisher, “widely regarded as the most accurate source of information on nuclear weapons and weapons facilities available to the public.” Past Nuclear Notebook columns can be found [here](#). A full listing of Kristensen’s publications can be found [here](#).

Between 2002 and 2005, Kristensen was a consultant to the nuclear program at the Natural Resources Defense Council in Washington, D.C, where he researched nuclear weapons issues and wrote the report “U.S. Nuclear Weapons In Europe” (February 2005) and co-authored numerous articles including “What’s Behind Bush’s Nuclear Cuts” (Arms Control Today, October 2004) and “The Protection Paradox” (Bulletin of the Atomic Scientists, March/April 2004). Between 1998 and 2002, Kristensen directed the Nuclear Strategy Project at the Nautilus Institute in Berkeley, CA, and he was a Special Advisor to the Danish Ministry of Defense in 1997-1998 as a member of the Danish Defense Commission. He was a Senior Researcher with the Nuclear Information Unit of Greenpeace International in Washington D.C from 1991 to 1996, prior to which he coordinated the Greenpeace Nuclear Free Seas Campaign in Denmark, Norway, Finland and Sweden.

Lieutenant Colonel Travis Lieb

United States Army, Deputy Staff Judge Advocate at United States Strategic Command

Lieutenant Colonel Travis Lieb is a Soldier and lawyer in the U.S. Army’s Judge Advocate General’s Corps currently serving as the Deputy Staff Judge Advocate (Deputy General Counsel) for United States Strategic Command at Offutt Air Force Base, Nebraska. He is responsible for

managing the Office of the Staff Judge Advocate and providing legal advice to the Commander and staff of USSTRATCOM. In addition, he is the U.S. Army Element Staff Judge Advocate responsible for advising the U.S. Army Element Commander on all matters of military justice for Army personnel assigned to USSTRATCOM.

Previously, LTC Lieb served as the Staff Judge Advocate (General Counsel) for the Cyber National Mission Force, United States Cyber Command's sub-unified joint command tasked to defend the nation in cyberspace against foreign adversaries. While part of the Cyber National Mission Force, he was instrumental in shaping national policy in the conduct of cyber and information operations enabling the United States to seize the initiative in the cyber domain against nation states as well as ransomware actors.

Before joining the CNMF, he was the Chief of Targeting for the Office of the Staff Judge Advocate at United States Cyber Command working closely with the inter-agency to develop processes to speed national response to cyber threats. LTC Lieb was the Chief of National Security Law for U.S Army Europe in Germany working with allies and partners to maintain operations during the outbreak of the COVID-19 pandemic. He deployed four times in support of combat operations in Iraq and Afghanistan with conventional and special operations units.

Lieutenant Colonel Lieb holds a Bachelor of Science in General Management with a concentration in Systems Engineering from the United States Military Academy. He received his JD from the University of South Dakota. He earned a LLM from the Army Judge Advocate General's Legal Center and School in Charlottesville, Virginia and a LLM from the University of Nebraska in Space, Cyber, and Telecommunications. He is a member of the South Dakota Bar.

Congressman Ted Lieu

Congressman for California's 36th District



Ted W. Lieu represents California's 36th Congressional District in the United States House of Representatives. Ted is serving in his sixth term in Congress and sits on the House Judiciary Committee and Foreign Affairs Committee. He was elected by his colleagues to serve as Vice Chair of the Democratic Caucus, making him the highest ranking Asian American to have ever served in House Leadership. Ted is a veteran, having served on active duty and then in the Reserves for the Air Force. He retired in 2021 with the rank of Colonel.

In the 118th Congress, Ted was the Co-Chair of the House's Bipartisan Taskforce on Artificial Intelligence. Prior to becoming Caucus Vice Chair, Ted served as Co-Chair of the Democratic Policy and Communications Committee in the 116th and 117th Congresses. In that role, Ted helped to shape messaging around key Democratic priorities. In his first term in Congress, Ted was elected Freshman Class President by his colleagues.

As a legislator, Ted has established himself as a leader on artificial intelligence; the environment; cybersecurity; civil liberties; foreign affairs and veterans. Time Magazine recognized Ted as one

of the 100 Most Influential People in AI. He has spoken at a variety of AI conferences, including at Harvard and Cornell.

He is also an outspoken proponent of more effective government oversight and adherence to the rule of law. Following the Jan. 6 insurrection, Ted co-authored the Article of Impeachment advanced by the House and subsequently served as an Impeachment Manager for the second Senate impeachment trial of President Donald Trump.

In addition to government reforms, Congressman Lieu is a champion of measures to reduce the harms of climate change. The first bill Ted introduced after coming to Congress was the Climate Solutions Act, which aims to make California's ground-breaking renewable energy goals and climate emissions reduction targets a national model. Ted is also a founder and co-Chair of the California Coastal Caucus, which advocates for issues that impact California's coastal communities.

As one of four Members of Congress with a computer science degree, Ted is frequently sought out for his insights on technology and innovation matters including artificial intelligence, cybersecurity and innovation as well as the creative economy. He has introduced legislation to improve cyber security in consumer products; create a national AI Commission; prioritize consumer safety in technologically-advanced cars; and ensure law enforcement and tech companies protect consumer privacy.

Ted has been a leader in Congress against ethnic and racial profiling, including discrimination against the LGBTQ community and hate toward the Asian American, Native Hawaiian, and Pacific Islander communities. He serves as Whip of the Congressional Asian Pacific American Caucus, Vice Chair of the LGBTQ Equality Caucus, and Co-Chair of the Cloud Computing Caucus.

Prior to being elected to Congress in 2014, Ted served as a California State Senator from 2011 to 2014, and before that, as a State Assemblyman from 2005 to 2010. Ted's legislative accomplishments included authoring landmark legislation regulating the subprime mortgage industry; a first-in-the-nation ban on gay conversion therapy for children; and a first-in-the-nation ban on the use of tanning beds for minors. Ted fought for California state tax reform that saved small businesses from millions in retroactive taxes, and tax incentives for film and TV production. Ted also co-authored California's landmark Global Warming Solutions Act and co-authored the law banning state pension funds from investing in Iran's nuclear and energy industries.

Ted started his elected service as a Member of the Torrance City Council in 2002. Prior to serving on the Council, Ted was a Torrance Environmental Quality Commissioner.

Looking for a better life and opportunity, Ted and his family immigrated to the United States when he was three years old. Settling in Cleveland, Ohio, Ted's parents sold gifts and jewelry at flea markets to make ends meet. They were eventually able to operate six gift stores, where Ted and his younger brother worked as teenagers. With the support of hard-working parents and a country that provided limitless opportunity, Ted would go on to attend Stanford for his undergraduate degrees in Computer Science and Political Science, and then Georgetown University, where he received his law degree magna cum laude after serving as Editor-in-Chief of the law review. Ted also received four American Jurisprudence Awards.

Recognizing the great opportunities America had given to his family, Ted wanted to serve his country to preserve the American Dream. He joined the United States Air Force, where he served in the JAG corps. After serving on active duty for four years, Ted joined the Air Force Reserve before retiring from the Air Force in 2021. Ted received numerous medals for his outstanding military service, including the Air Force Humanitarian Service Medal and multiple Meritorious Service Medals.

Ted's wife, Betty, is a member of the Torrance Board of Education; a member of California's Commission on Special Education; and a former California Deputy Attorney General. They live in Torrance and have two sons, Brennan and Austin.

Prof. David Luban

University Professor and Professor of Law and Philosophy, Georgetown University Law Center



David Luban is a University Professor and Professor of Law and Philosophy. Since 2013, he has also served as Class of 1984 Distinguished Chair in Ethics at the U.S. Naval Academy's Stockdale Center for Ethical Leadership. His research interests center on moral and legal responsibility in organizational settings, including law firms, government, and the military. In addition to legal ethics, he writes on international criminal law, national security, and just war theory. His current project is a book on the moral and legal philosophy of Hannah Arendt.

Luban is a member of the American Academy of Arts and Sciences. He has been a Guggenheim Fellow and a Fellow of the Woodrow Wilson Center, and has received prizes for distinguished scholarship from the American Bar Foundation and the New York State Bar Association. In 2011 he was a Fellow of the Institute for Advanced Studies at Hebrew University.

Luban's books include *Lawyers and Justice: An Ethical Study* (Princeton University Press, 1988), *Legal Modernism* (University of Michigan Press, 1994), and *Legal Ethics and Human Dignity* (Cambridge University Press, 2007). His most recent book, *Torture, Power, and Law* (Cambridge University Press, 2014), won the American Publishers Association PROSE Award for professional and scholarly excellence in philosophy. Other books include edited anthologies and casebooks on international criminal law and legal ethics. Along with many scholarly articles, Luban has written for *The Boston Review*, *The New York Review of Books*, and *Slate*; he blogs on *Balkinization* and *Just Security*.

Luban joined the Georgetown faculty from the University of Maryland. He has held visiting chairs at the Fordham, Harvard, Stanford, and Yale Law Schools; and has been a visiting professor at the Interdisciplinary Center (Israel), Dartmouth College, and the University of Melbourne. A frequent speaker in the United States, Luban has also lectured in eighteen other countries.

Luban is on the editorial boards of *Ethics & International Affairs*, *Legal Ethics*, and the *Just Security* blog. He has served on the D.C. Bar's ethics committee, and chaired the AALS Sections

on Professional Responsibility and on Law and Interpretation, as well as the American Philosophical Association's Committee on Law and Philosophy. He has testified before both houses of Congress.

At the Law Center Luban regularly teaches the Legal Justice course in Section 3, as well as international criminal law, legal ethics, and seminars on various topics in legal philosophy and human rights. He has taught several times in the CALS clinic. In 2012-13, he was academic co-director of the Center for Transnational Legal Studies (London).

Brady Mabe

Legal Advisor, International Committee of the Red Cross (ICRC)



Brady Mabe is a Legal Adviser with the International Committee of the Red Cross, in the Permanent Observer Mission to the United Nations in New York. He joined the ICRC in 2021. He is concurrently an independent consultant on international humanitarian law for the Quincy Institute for Responsible Statecraft in Washington, DC.

Prior to coming to the ICRC, Brady worked for the Permanent Mission of Liechtenstein to the United Nations. He has spent time working for a human rights organization based in Yangon, Myanmar, and for the United Nations Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance.

Brady received his J.D. from the University of California, Los Angeles where he specialized in International & Comparative Law and Critical Race Studies and holds a B.A. in linguistics from the University of Virginia.

Prof. Shawn McKelvey

Assistant Professor of Law, United States Air Force Academy



Shawn D. McKelvey serves as an Assistant Professor of Law at the United States Air Force Academy. In this capacity he teaches future Air Force and Space Force officers in various law courses to include Law for Air Force Officers, Law of War and Advanced Law of War Studies, providing mentorship to cadets and faculty alike.

Professor McKelvey entered Air Force active duty in October 1999 as a judge advocate through the direct appointment program. After more than two decades of service, Shawn retired from active duty, changing uniforms to begin his second career as a civilian professor at USAFA in December 2021. In addition to his more than a decade of service as a member of the law faculty at USAFA, he also served as a deployed staff judge advocate, deputy staff judge advocate, and legal advisor with assignments at various wings, a combatant command, and the Office of the Secretary of Defense.

Prof. Charles J. Moxley, Jr.

Professor (Adj.), Fordham Law School; Principal, Moxley ADR LLC



Charles J. Moxley, Jr. teaches nuclear weapons law at Fordham Law School and has written about international law restraints on the threat and use of nuclear weapons for over twenty years, starting with his 2000 book, *Nuclear Weapons and International Law in the Post Cold War World*. The second edition of Moxley's book—*Nuclear Weapons and International Law: Existential Risks of Nuclear War and Deterrence through a Legal Lens* (Rowman and Littlefield Publishers—Hamilton Books imprint) will be released in February 2024. See

<https://static1.squarespace.com/static/603410a4be1db058065ce8d4/t/6548141469af731e25fed39/1699222548762/LCNP+posting+re+upcoming+publication+of+upcoming+treatise+on+nuclear+weapons+law+1+5+23.pdf>.

Moxley is co-author of the 2011 article, *Nuclear Weapons and Compliance with International Humanitarian Law and the Nuclear Non-Proliferation Treaty*, in the *Fordham International Law Journal*, and of other journal articles on the subject. He was faculty lead for the 2020 Conference, *Nuclear Weapons and International Law*, the proceedings of which were published as a Special Issue of the *Fordham International Law Journal*. He is faculty lead of the 2023 Conference, *Nuclear Weapons and International Law, The Renewed Imperative in Light of Russia's invasion of Ukraine*, the proceedings of which will be published by the *Georgetown Journal of International Law*.

Moxley received his law degree from Columbia Law School, where he concentrated in international law and was Managing Editor of the *Columbia Journal of Transnational Law*. He received an M.A. in Russian Area Studies and a B.A. in political science from Fordham University.

Following his graduation from law school, Moxley served as law clerk for a United States District Judge in the Southern District of New York and started his practice with the international law firm, Davis Polk & Wardwell, following which he was affiliated with a number of boutique litigation firms before starting his own firm, MoxleyADR LLC, specializing in arbitration and mediation. He also serves as Distinguished ADR Practitioner in Residence at Benjamin N. Cardozo School of Law.

A long-time litigator and arbitrator, Moxley's approach to addressing issues as to the lawfulness of nuclear weapons threat and use is to subject such issues to the same depth of legal and factual analysis as lawyers, judges, and arbitrators apply to complex securities and commercial disputes in federal and other courts and arbitrations throughout the country.

Domenick Napoletano

President, New York State Bar Association



Domenick Napoletano is a practitioner focusing on complex commercial litigation and appellate work while maintaining a busy general practice. Several of his cases have appeared in published decisions, many involving real property and tenancy and occupancy issues. He has spearheaded state and federal class action lawsuits, including notably against the New York City Department of Finance for its imposition of “vault taxes.” He is admitted in the U.S. Supreme Court, as well as the Southern and Eastern District of New York and the Second Circuit Court of Appeals. He has been a member of the New York State Bar since 1981.

Napoletano’s involvement in New York State Bar Association activities are numerous and include being the past chair of the General Practice Section and co-chair of the Committee on Civil Practice Law and Rules. He previously co-chaired the Emergency Task Force for Solo and Small Firm Practitioner. He has served on many association committees, including Finance, Leadership & Development, Bar Leaders of New York State, Animals in the Law, co-chair of the President’s Committee on Access to Justice, the Task Force on the Evaluation of Candidates for Election to Judicial Office, the Task Force on Mass Shootings and Assault Weapons, the Gun Violence Committee, the Executive Committee, chair of the Working Group on Facial Recognition Technology, and as liaison to the Leadership & Development Committee along with the working group on Puerto Rico, the Non-Resident Subcommittee and the Corporate Counsel Section.

Napoletano has served on the association’s Executive Committee, as vice president, from the 2nd Judicial District and the House of Delegates representing the Brooklyn Bar Association. Napoletano was recently appointed by presiding Justice Hector D. LaSalle to the Second Departments Task Force on Artificial Intelligence.

Napoletano has been involved his entire legal career in local and minority bars. He is the past president of the Brooklyn Bar Association and has served on the Board of Directors of its Foundation. He is the chairman of the Brooklyn Bar Associations Part 137 Attorney Fee Arbitration Committee. He has served as past president and chairman of the board of the Columbian Lawyers Association of Brooklyn. He is the past President of the Confederation of Columbian Lawyers of the State of New York, and President of the Catholic Lawyers Guild of Kings County. He has served as the treasurer and member of the board of directors of the Bedford Stuyvesant Legal Services Corp., as well as past vice president of the Bedford Stuyvesant Foundation for Civil Justice. He has served as a member of the Grievance Committee 2nd, 11th and 13th Judicial Districts.

Napoletano has received awards in recognition of his distinct service, including the Boy Scouts of America, the Stars & Stripes Democratic Club Community Service Award, Kings County Democratic Party Distinguished Honoree, the Catholic Lawyers Guild Distinguished Service Award, the St. Thomas Moore Award, and the President’s Award in addition to Man of the Year Van Westerhout Cittadini Molesi for promoting the welfare of Italian-Americans, the Hofstra Law School’s Alumni of the Month, the Brooklyn Bar Association award for distinguished service twice,

and in 1980 the Student Merit award as its first white member of the Hofstra chapter of the Black American Law Student Association (BALSA).

His dedication includes memberships in a variety of other organizations where he will often appear or has been asked to lecture on CLE. They include the Nathan R. Sobel Inns of Court, Kiwanis Club, Hofstra University Law School Diversity Admissions Committee, Lay Advisory Committee Diocese of Brooklyn/Queens and as a past advisory board member for Investors Bank, member of the board of directors for the Volunteer Lawyers Project Board, committee member for the Brooklyn Borough President's Legal Task Force, and on the American Bar Association Gun Violence Advisory Commission.

Napoletano earned his law degree from Hofstra University School of Law and his undergraduate degree from Brooklyn College. While in college, and throughout law school, Napoletano worked for then-New York State Assemblyman Michael L. Pesce, retired presiding justice of the state Supreme Court Appellate Term for the 2nd, 11th and 13th Judicial Districts.

Prof. Richard W. Painter

S. Walter Richey Professor of Corporate Law, University of Minnesota Law School



Professor Richard W. Painter received his B.A., summa cum laude, in history from Harvard University and his J.D. from Yale University, where he was an editor of the Yale Journal on Regulation. Following law school, he clerked for Judge John T. Noonan Jr. of the United States Court of Appeals for the 9th Circuit and later practiced at Sullivan & Cromwell in New York City and Finn Dixon & Herling in Stamford, Conn.

He has served as a tenured member of the law faculty at the University of Oregon School of Law and the University of Illinois College of Law, where he was the Guy Raymond and Mildred Van Voorhis Jones Professor of Law from 2002 to 2005. He has been the S. Walter Richey Professor of Corporate Law at the University of Minnesota Law School since 2007.

From February 2005 to July 2007, he was associate counsel to the president in the White House Counsel's office, serving as the chief ethics lawyer for the president, White House employees, and senior nominees to Senate-confirmed positions in the executive branch. He is a member of the American Law Institute and is a reporter for the new ALI Principles of Government Ethics. He has also been active in the Professional Responsibility Section of the American Bar Association. He is a board member and vice chair of Citizens for Responsibility and Ethics in Washington as well as a founding board member of Take Back our Republic, a campaign finance reform organization.

Painter has also been active in law reform efforts aimed at deterring securities fraud and improving ethics of corporate managers and lawyers. A key provision of the Sarbanes-Oxley Act of 2002, requiring the SEC to issue rules of professional responsibility for securities lawyers, was based on earlier proposals Painter made in law review articles and to the ABA and the SEC. He has given dozens of lectures on the Sarbanes-Oxley Act to law schools, bar associations, and learned

societies, such as the American Academy of Arts and Sciences. Professor Painter has on six occasions provided invited testimony before committees of the U.S. House of Representatives or the U.S. Senate on government ethics, securities litigation, and/or the role of attorneys in corporate governance.

Painter's book [*Getting the Government America Deserves: How Ethics Reform Can Make a Difference*](#) was published by Oxford University Press in January 2009. His coauthored book (with Professor Claire Hill) *Better Bankers, Better Banks: Promoting Good Business Through Contractual Commitment* was published by the University of Chicago Press in 2015. From 2014-15 he was a residential fellow at Harvard University's Safra Center for Ethics, which funded his work on a third book, *Taxation only with Representation: The Conservative Conscience and Campaign Finance Reform* (Take Back our Republic, 2016).

He has written op-eds on government ethics for various publications, including the *New York Times*, *Washington Post* and *Los Angeles Times*, and he has been interviewed several times on government ethics and corporate ethics by national news organizations, including appearances on *The Last Word with Lawrence O'Donnell* (MSNBC), *Anderson Cooper 360* (CNN), CNN News, Fox News, National Public Radio's *All Things Considered*, and Minnesota Public Radio News. Painter has also given expert testimony in cases involving securities transactions and the professional responsibility of lawyers. He testified as a defense witness in *SEC v. The Reserve Money Market Fund* (SDNY, November 2012), a jury trial of an SEC enforcement action against the founders of the world's oldest money market fund that ended with a defense verdict on all of the fraud counts.

Painter is the coauthor of two casebooks: *Securities Litigation and Enforcement* (with Margaret Sachs and Donna Nagy; West Academic Publishing, 2003; second edition, 2007; third edition, 2011) and *Professional and Personal Responsibilities of the Lawyer* (with Judge John T. Noonan Jr.; Foundation Press, 1997; second edition, 2001; third edition, 2011). He has written dozens of articles, book reviews, and essays.

Hon. William J. Perry **Secretary of Defense, 1994-1997**



William James Perry (born October 11, 1927) is an American mathematician, engineer, businessman, and civil servant who was the United States Secretary of Defense from February 3, 1994, to January 23, 1997, under President Bill Clinton. He also served as Deputy Secretary of Defense (1993–1994) and Under Secretary of Defense for Research and Engineering (1977–1981).

Perry is the Michael and Barbara Berberian Professor (emeritus) at Stanford University, with a joint appointment at the Freeman Spogli Institute for International Studies and the School of Engineering. He is also a senior fellow at Stanford University's Hoover Institution. He is the co-founder of the Palo Alto Unitarian Church and serves as director of the Preventive Defense Project.^[6] He is an expert in U.S. foreign policy, national security and arms

control. In 2013 he founded the William J. Perry Project, a non-profit effort to educate the public on the current dangers of nuclear weapons.

Perry also has extensive business experience and serves on the boards of several high-tech companies. He was elected a member of the National Academy of Engineering in 1970 for contributions to communications theory, radio propagation theory, and computer technology in the design of advanced systems. He is also a fellow of the American Academy of Arts and Sciences. Among Perry's numerous awards are the Presidential Medal of Freedom (1997) and the Grand Cordon of the Order of the Rising Sun (2002), awarded by Japan.

Carlos Ramos-Mrosovsky

Chair, International Section, New York State Bar Association



Carlos Ramos-Mrosovsky represents multinational companies and sovereign governments in commercial and treaty-based arbitrations and before U.S. courts, with emphasis on disputes arising in the energy, mining and infrastructure sectors.

Carlos has acted in disputes arising under the rules of institutions including the International Centre for Settlement of Investment Disputes (ICSID), the United Nations Commission on International Trade Law (UNCITRAL), the London Court of International Arbitration (LCIA), the

International Chamber of Commerce (ICC), and the Stockholm Chamber of Commerce (SCC).

Select Experience:

International Arbitration

- Representing Georgian and UK investors seeking compensation from Azerbaijan for the expropriation of a petroleum investment under the Energy Charter Treaty.
- Representing Middle Eastern investors in parallel investment and commercial claims challenging an African government's termination of a railway concession.

Litigation

- Representing a U.S. defense contractor in the enforcement of a \$130 million award against Venezuela and in subsequent efforts to execute judgment against Venezuelan assets.
- Representing UK investors in the enforcement of a \$33 million ICSID award against Spain.

Colonel Theodore T. Richard

United States Air Force Judge Advocate, Staff Judge Advocate at Space Operations Command



Col Ted Richard serves as the Staff Judge Advocate at Space Operations Command, Peterson Space Force Base, Colorado. As a Field Command of the United States Space Force, Space Operations Command generates, presents, and sustains mission-ready space forces providing missile warning, positioning, navigation and timing, communications, space electronic warfare, space control, command and control, and space domain awareness capabilities for United States Space Command and other

combatant commands. The command manages a global network of satellite command and control, communications, and missile warning facilities.

Col Richard is a native of Madison, Wisconsin, where he spent over 10 years in the Wisconsin Army National Guard as helicopter mechanic and crew chief. Prior to law school, Col Richard was a private detective in Wisconsin and Illinois where he investigated civil and criminal cases for attorneys in private practice. While in law school, Col Richard completed internships with the Brown County Wisconsin District Attorney's Office and Wisconsin Supreme Court Justice Jon Wilcox. He was commissioned as a first lieutenant upon selection for direct appointment to the United States Air Force in September 2001.

EDUCATION

1996 Bachelor of Science, Biochemistry, Molecular Biology, & English, University of Wisconsin at Madison (with academic distinction)

2001 Juris Doctor, University of Wisconsin at Madison (*cum laude*)

2005 Squadron Officer School (correspondence)

2006 Squadron Officer School (in residence), Maxwell AFB, AL

2009 LL.M. (Government Procurement), George Washington University, Washington DC (with highest honors and winner of the Patricia A. Tobin Award for Excellence in Government Procurement Law)

2010 Air Command and Staff College (correspondence)

2015 Air War College (correspondence)

SELECTED PUBLICATIONS

Government Personal Services Contracting and Antidiscrimination Laws: Tenure for Contractors?, 7 J. CONTRACT MANAGEMENT 127 (2009)

Reconsidering the Letter of Marque: Utilizing Private Security Providers Against Piracy, 39 PUB. CONT. L. J. 411 (Spring 2010)

Logistics Civil Augmentation Program (LOGCAP) Legal Reviews, THE ARMY LAWYER (January 2012)

Nuclear Weapons Targeting: The Evolution of Law and U.S. Policy, 224 MILITARY L. REV. 862 (2016)

Baseline Territorial Sovereignty and Cyberspace, 22 LEWIS & CLARK L. REV. 708 (2018) (co-authored with Sean Watts)

Prof. Daniel Rietiker, Ph.D.

International Law Lecturer, Lausanne University, Adjunct Professor, Suffolk University Law School

Daniel Rietiker is a lecturer in public international law at the University of Lausanne in Switzerland and a senior lawyer at the European Court of Human Rights in Strasbourg, France. He holds a PhD in the field of arms control treaties and a Diploma in international relations from the Graduate Institute, Geneva. He is a member of the International Institute of Human Rights René Cassin in Strasbourg as well as of the Swiss Branch of the International Law Association and its international Committee on "Nuclear Weapons, Non-Proliferation and Contemporary International Law." At Harvard, he focused on the relationship and interactions between human rights and arms

control, namely the substantial contribution of arms control treaties to the protection of human rights, the relevance of civil society and human rights institutions in the negotiations, implementation, and verification of arms control treaties, or the consequences of the human rights aspect in arms control treaties for their legal regime. The research included treaties regulating WMD as well as conventional weapons, including the recently adopted Treaty on arms trade.

Randy Rydell

Executive Advisor, Mayors for Peace; Senior Political Affairs Officer, Office of the High Representative for Disarmament Affairs (Ret.)

Randy Rydell is an Executive Advisor to Mayors for Peace, which is managed by the Hiroshima Peace Culture Foundation, and is a member of the Board of the Arms Control Association. He retired in 2014 as Senior Political Affairs Officer in the Office of Ms. Angela Kane, the UN's High Representative for Disarmament Affairs, where he was Team Leader of the office's Strategic Planning Unit. On a UN leave of absence from January 2005 to June 2006, he served as Senior Counsellor and Report Director of the Weapons of Mass Destruction Commission (Blix Commission) and Senior Fellow at the Arms Control Association in Washington, D.C. He joined the UN secretariat in 1998, where he advised Under-Secretary-General Jayantha Dhanapala and his successors, Ambassadors Nobuyasu Abe, Nobuaki Tanaka, Sergio Duarte, and Ms. Kane. He was Secretary of the Secretary-General's Advisory Board on Disarmament Matters (2001) and a Visiting Lecturer at Princeton's Woodrow Wilson School (1998/1999 and 2009/2010). He received the "Unsung Heroes" award in 2009 from the Center for Non-Proliferation Studies at the Monterey Institute for International Studies. He is also Principal Trumpet in the UN Symphony Orchestra.

Rydell worked for Senator John Glenn between 1987 and 1998 as a member of the Professional Staff of the Committee on Governmental Affairs of the United States Senate. He assisted in the drafting and subsequent enactment of the Nuclear Proliferation Prevention Act of 1994 and other legislation. He also served as a staff member of the Senate's Arms Control Observer Group.

He was an international political analyst at the Lawrence Livermore National Laboratory from 1980 to 1986, where he studied problems related to the global spread of nuclear weapons. He worked as a post-doctoral fellow at the Center for Science and International Affairs at the John F. Kennedy School of Government at Harvard University from 1979 to 1980.

He received a B.A. in Government and Foreign Affairs from the University of Virginia (1973), an M.Sc. in International Relations at the London School of Economics and Political Science (1974), an M.A. in Political Science from Princeton University (1977), and a Ph. D. in Political Science from Princeton (1980).

Recent publications/statements:

- Editor of book by Hans Blix, *A Farewell to Wars* (2024, Cambridge University Press).
- "Disarmament and Arms Control," Chap. 9 of Jean E. Krasno (ed.), *The United Nations: Policy and Practice* (Boulder: Lynne Rienner, 2023), p 179-196.
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Gent Salihu

Editor-in-Chief, Georgetown Law School, Journal of International Law



Gent Salihu is the Allen and Erika Lo Endowed Technology Law Scholar at Georgetown Law and the Editor-in-Chief of the Georgetown Journal of International Law. Previously, Gent was a Google Policy Fellow with the Cato Institute and a research assistant to Professor Cohen. Prior to law school, he worked on justice reforms through USAID Kosovo programming, including utilizing technology to improve access to justice and streamline services. Gent also served as an Advisor to the President of Kosovo and Minister of Justice, and taught public policy at the Rochester Institute of Technology in Kosovo. Gent was an integral part of Kosovo’s major state-building initiatives, from conducting a functional review of the justice sector to transforming the new country’s property rights regime to address pervasive informality and empower women. Gent graduated A.B., *magna cum laude*, in Philosophy and Government from Dartmouth College, and as a recipient of Weidenfeld and Chevening scholarships, he holds a Master of Public Policy from the University of Oxford.

Hon. Shira Scheindlin (U.S.D.J., Ret.)

Of Counsel, Boise Schiller Flexner LLP



Appointed to the federal bench by former President Bill Clinton, the Hon. Shira A. Scheindlin served as a United States District Judge in the Southern District of New York for 22 years. Since leaving the bench in May 2016, Judge Scheindlin has overseen many mediations and arbitrations, and served as a court-appointed special master, mock trial judge, and expert witness.

Throughout her more than two decades on the federal bench, Judge Scheindlin oversaw a wide range of high-profile matters relating to criminal law, financial services and securities laws, electronic discovery, civil rights and more. Her experience as a long-serving federal judge provides clients with a unique perspective on issues in pending and potential litigation, including mediation and arbitration. Most recently in her private neutral practice, her cases have included disputes involving intellectual property, insurance coverage, RMBS fraud litigation, securities fraud, maritime, partnership contracts, construction, mass torts, employment, and other commercial matters.

Earlier in her career, she served as Chief Administrative U.S. Attorney and Deputy Chief of the Economic Crimes Unit in the U.S. Attorney's Office for the Eastern District of New York. She was also general counsel of the New York City Department of Investigations and a Magistrate Judge in the Eastern District. Additionally, she sat by designation on the U.S. Court of Appeals for the Second and Ninth Circuits. Since leaving the bench, Judge Scheindlin has conducted well over a hundred mediations and arbitrations.

Dr. Shane Smith

Director, Institute for National Security Studies and Associate Professor, Dept. of Political Science, United States Air Force Academy

Dr. Shane Smith is Director of the Air Force Institute for National Security Studies, located at the U.S. Air Force Academy, where he is also an Associate Professor of Political Science. Prior to joining the U.S. Air Force Academy, Dr. Smith was a Senior Research Fellow at the National Defense University's Center for the Study of Weapons of Mass Destruction. He has served in the Office of the Secretary of Defense as a senior advisor for U.S. nuclear policy in East Asia and as a senior advisor at the Defense Threat Reduction Agency.

Dr. Deepshikha (Deeps) Vijn

Executive Director, Lawyers Committee on Nuclear Policy

Deeps serves as the Executive Director of the Lawyers Committee on Nuclear Policy, and in this capacity she also serves as the Director of the UN Office for International Association of Lawyers Against Nuclear Arms (IALANA). She is the first woman of South Asian descent to hold this position. Deeps received her DPhil (Ph.D.) in International Relations, and a MSc. in Global

Governance & Diplomacy, both degrees from University of Oxford, U.K. She also holds a second masters degree in Political Science. Deeps has published extensively on the study of legitimacy & norms in the context of nuclear disarmament and nonproliferation with an expertise on the engagement of the global south. As one of the founding members of the Youth Group for the Comprehensive Test Ban Treaty Organization (CTBTO), she assisted the executive leadership with communications strategy to accelerate membership and outreach activities. In the past, Deeps has also interned at the United Nations Office for Disarmament Affairs (ODA), and was a Great Decisions Fellow at the Foreign Policy Association, NY where she worked as an Associate Producer for its Emmy Nominated television series *Great Decisions 2020*.

Allen S. Weiner

Senior Lecturer in Law and Director, Stanford Program in International Law



Allen S. Weiner, JD '89, is an international legal scholar whose research and teaching focus primarily on the fields of international security and international conflict resolution. He also studies the challenges of online misinformation and disinformation. In the international security realm, his work spans such issues as international law and the response to contemporary security threats; the relationship between international and domestic law in the context of armed conflict; the law of war (international humanitarian law), including its application to nuclear targeting doctrine; just war theory; and international criminal law (including transitional justice). In the realm of international conflict resolution, his highly multidisciplinary work analyzes the barriers to resolving intractable political conflicts, with a particular focus on the Israeli-Palestinian conflict. His work on misinformation and disinformation includes a focus on the potential harmful uses of social media in conflict settings, including war zones. Weiner's scholarship is deeply informed by experience; he practiced international law in the U.S. Department of State for more than a decade advising government policymakers, negotiating international agreements, and representing the United States in litigation before the International Criminal Tribunal for the former Yugoslavia, the International Court of Justice, and the Iran-United States Claims Tribunal.

Senior Lecturer Weiner is director of the Stanford Program in International and Comparative Law, director of the Stanford Humanitarian Program, and director of the Stanford Center on International Conflict and Negotiation. Before joining the Stanford Law School faculty in 2003, he served as legal counselor at the U.S. Embassy in The Hague and attorney adviser in the Office of the Legal Adviser of the U.S. Department of State in Washington, DC. He clerked for Judge John Steadman of the District of Columbia Court of Appeals. He earned his J.D. degree at Stanford Law School and his A.B. degree at Harvard College.

Jules Zacher

Board Chair, Council for a Livable World; Executive Board Member, the Center for Ethics and the Rule of Law at the Annenberg Public Policy Center at the University of Pennsylvania



Jules Zacher has had a lifelong interest in national security issues, with a particular focus on the abolition of nuclear weapons. Towards that end, he has litigated numerous FOIA and FACA cases. Two memorable cases include obtaining documents regarding the President's inability to communicate with 50 warheads at an ICBM missile base, as well as documents regarding WMD's in the runup to the war in Iraq. He is currently the Chairman of the Council for a Livable World, on the Executive Board of the Center for Ethics and the Rule of Law at the University of Pennsylvania Annenberg Public Policy Center, a Director of the Lawyers Committee on Nuclear Policy, and founder of Speaking Truth to Power, an organization devoted to obtaining documents dealing with nuclear weapons.

Jules Zacher is also an experienced litigator representing persons in federal and state courts who have contracted Legionnaires' disease. He has written extensively about how Legionnaires' disease can be contracted, means to prevent the disease, and the legal implications of not doing so. He began his career with one of the pre-eminent plaintiff's firms in the country, and then formed his own firm, where he currently practices in Philadelphia. Mr. Zacher took time off from practicing law by creating and operating a software firm headquartered in Paris, with the intended market being East Europe. He attended the University of Pittsburgh for his undergraduate degree, Temple University for a Master of Arts in Economics, and Temple University for his Juris Doctor degree. He lives with his wife in Philadelphia and is an avid court tennis player.

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DR. JOHN BURROUGHS

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THOMAS COUNTRYMAN

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JONATHAN GRANOFF

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DR. LAURA GREGO

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RANDY RYDELL

Recent publications/statements:

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DR. SHANE SMITH

- [Lynne Rienner Publishers | Arms Control at a Crossroads Renewal or Demise](#)

OTHER MATERIALS

The Threat of Nuclear Weapons and the Relevance of Human Rights

Prof. Daniel Rietiker

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Co-President IALANA

30th January 2025

▶ 1

Daniel Rietiker

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- ▶ I. Human(or victim)-centred approach to nuclear weapons
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- ▶ IV. Strategies (litigation)
- ▶ V. Final remarks

▶ 2

Daniel Rietiker

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2

I. Human-centred approach

- ▶ **WHO, *Effects of Nuclear War on Health and Health Services* (Report, 1987):**
- ▶ Obviously **the health services of the world could in no way cope with such a situation.** In sum, in the event of a nuclear war triage would at best be insignificant, rescue work scarcely other than makeshift (...). **The great majority of casualties would be left without medical attention of any kind (...).** When treatment is ineffective, the only solution available to the health professionals is prevention. **Prevention is obviously the only possibility in case of a nuclear war.**

▶ 3

Daniel Rietiker

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3

I. Human-centred approach (contin.)

- ▶ ***The Legality of the Threat or Use of Nuclear Weapons*, ICJ Reports 1996, **Dissenting opinion of Judge Weeramantry**, p. 507:**
- ▶ (...) when a weapon has the potential to kill between one million and one billion people, as WHO has told the Court, human life becomes reduced to a level of worthlessness that totally belies human dignity as understood in any culture. Such a deliberate action by an State is, in any circumstances whatsoever, incompatible with a recognition by it of that respect for basic human dignity on which world peace depends, and respect for which is assumed on the part of all Member States of the United Nations. (...) **No weapon ever invented in the long history of man's inhumanity to man has so negated the dignity and worth of the human person as has the nuclear bomb.**

▶ 4

Daniel Rietiker

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4

I. Human-centred approach (contin.)

- ▶ **Preambular paragraphs (TPNW):**
- ▶ *The States Parties to this Treaty,*
- ▶ (...) (...) *Cognizant* that the catastrophic consequences of nuclear weapons cannot be adequately addressed, transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and the health of current and future generations, and have a **disproportionate impact on women and girls, including as a result of ionizing radiation [§ 4]**

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I. Human-centred approach (contin.)

- ▶ *Mindful* of the unacceptable suffering of and harm caused to the victims of the use of nuclear weapons (**hibakusha**), as well as of those affected by the testing of nuclear weapons [§ 6]
- ▶ *Recognizing* the disproportionate impact of nuclear-weapon activities on **indigenous peoples** [§ 7]
- ▶ *Reaffirming* the need for all States **at all times to comply with applicable international law, including international humanitarian law and international human rights law** [§ 8] *Considering* that any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, in particular the principles and rules of international humanitarian law [§ 10]

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II. Advantages of Human Rights Law

- ▶ Application in all circumstances:
 - ▶ *Legality of the Threat or Use of Nuclear Weapons*, cited above, para. 25:
 - ▶ “The Court observes that the protection of the International Covenant of Civil and Political Rights **does not cease in times of war**, except by operation of Article 4 of the Covenant whereby certain provisions may be derogated from in a time of national emergency. Respect for the right to life is not, however, such a provision. ...”

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II. Advantages of Human Rights Law (contin.)

- ▶ Formulation in terms of individual (civil and political) or collective rights (economic, social and cultural),
- ▶ Concentration on particularly vulnerable people,
- ▶ Negative and positive obligations,
- ▶ Particular nature of certain rights (*jus cogens*, *erga omnes*),
- ▶ **Institutional dimension!!**

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III. The Right to Life

- ▶ **Article 6 § 1 of the 1966 International Covenant of Civil and Political Rights (ICCPR):**
- ▶ I. Every human being has the **inherent right to life**. This right shall be protected by law. No one shall be **arbitrarily deprived** of his life.
- ▶ (...).

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III. The Right to Life (contin.)

- ▶ **General Comment N° 36 on the Right to Life (Article 6 of the ICCPR) [UN Human Rights Committee, 2018]**
- ▶ **66. The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale is incompatible with respect for the right to life and may amount to a crime under international law.** States parties must take all necessary measures to stop the proliferation of weapons of mass destruction, including measures to prevent their acquisition by non-state actors, to refrain from developing, producing, testing, acquiring, stockpiling, selling, transferring and using them, to destroy existing stockpiles, and to take adequate measures of protection against accidental use, all in accordance with their international obligations (...).

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III. The Right to Life (contin.)

- ▶ (...) They must also respect their international **obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament** under strict and effective international control (...) and **to afford adequate reparation to victims** whose right to life has been or is being adversely affected by the testing or use of weapons of mass destruction, in accordance with principles of international responsibility. (...)

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III. The Right to Life (contin.)

- ▶ **Joint Statement by Kazakhstan on behalf of 38 States, to Human Rights Council (9/20/2023)**

“As the example of affected countries’ history shows, the use and the test of nuclear weapons violates the **right to life, the right** of everyone to the enjoyment of the highest attainable standard of physical and mental **health** and **the right to a clean, healthy and sustainable environment** of not only living people, but also of future generations.

(...)

While nuclear weapons are by nature indiscriminate, **women and children, particularly girls and pregnant women**, are disproportionately affected as a result of the long-lasting effects of exposure and greater vulnerability to the harmful effects of ionizing radiation.”

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IV. Strategies

The relevant scenarios (litigation):

➤ Testing of nuclear weapons:

- Relevant case law: ECtHR, *L.C.B. v. United Kingdom* (9 June 1998):
 - Allegation of failure of the State to take adequate measures to protect the daughter of a serviceman present during Christmas Island nuclear tests!
 - In the present case, no violation of Articles 2 (right to life) and 3 ECHR (prohibition of torture and inhuman and degrading treatment).

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IV. Strategies (contin.)

➤ Use of nuclear weapons:

- *Khamzayev and Others v. Russia* (3 May 2011): **Criteria for the use of specific weapons (right to life):**
 - (...) [the Court] is, however, not convinced (...) that the necessary degree of care was exercised in preparing the operation of 19 October 1999 in such a way as to **avoid or minimise, to the greatest extent possible, the risk of a loss of life**, both for the persons at whom the measures were directed and for civilians (...)
 - (...) In sum, the Court considers that the bombing with **indiscriminate weapons of the residential quarter** of Urus-Martan inhabited by civilians was manifestly disproportionate to the achievement of the purpose under Article 2 § 2 (a) indicated by the Government. It therefore finds that the respondent **State failed in its obligation to protect the third applicant's right to life.**

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IV. Strategies (contin.)

- **Threat of use and possession of nuclear weapons: More complex!**
Nuclear weapons as an abstract risk to human rights???
 - **ECtHR constant case law:** “In order to fall into the category of direct victims, the applicant must be able to show that he or she was “**directly affected**” by the measure complained of (...). This implies that the applicant has been personally and actually affected by the alleged violation of the Convention (...).”
 - **Climate change litigation as a source of inspiration?**
 - **Recent ECtHR case:** *Verein Klimaseniorinnen and Others v. Switzerland* (9 April 2024): Collective climate litigation for the human rights protection of the members of the association!

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IV. Strategies (contin.)

- ▶ **Recent trend: concentration on the rights of victims – Two examples:**
 - ▶ **Article 6 TPNW:**
“Victim assistance and environmental remediation
 I. Each State Party shall, with respect to individuals under its jurisdiction who are affected by the use or testing of nuclear weapons, in accordance with applicable international humanitarian and **human rights law**, adequately provide age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.”

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IV. Strategies (contin.)

► *ILC Articles on the protection of persons in the event of disasters (2016):*

► *Article 2 Purpose:*

“The purpose of the present draft articles is to facilitate the adequate and effective response to disasters, and reduction of the risk of disasters, so as to meet the essential needs of the persons concerned, **with full respect for their rights.**”

► *Article 3 Use of terms:*

“(a) **‘disaster’ means** a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, mass displacement, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society”

► *Article 5 Human rights:*

“Persons affected by disasters are entitled to the **respect for and protection of their human rights** in accordance with international law.”

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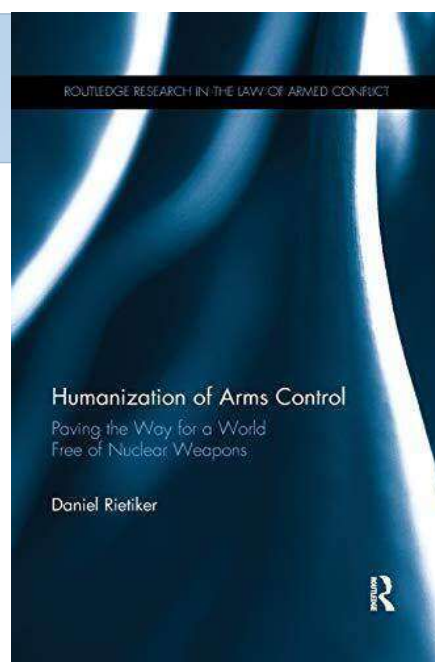
17

V. Final Remarks

► **For more information:**

Daniel Rietiker

*Humanization of Arms Control,
Paving the Way for a World Free
of Nuclear Weapons,
Routledge, 2017.*



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DRAFT

Nuclear Weapons, Artificial Intelligence, and the Law of Armed Conflict

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Submitted for Conference on Robotics and Artificial Intelligence

Center for Ethics and the Rule of Law

University of Pennsylvania

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I. Introduction

The following quote sums up the role AI is currently playing regarding nuclear weapons: "...artificial intelligence will be integrated into America's NC3 (nuclear command, control, and communications), if for no other reason than that it actually already has been to varying degrees. The question is not *whether* AI be integrated into NC 3 but rather *where, to what extent, and at what risk*"¹

Much has been written about the dangers of Artificial Intelligence (AI) and nuclear weapons, particularly about retaining a "man in the loop" in the decision to launch the US nuclear arsenal. Others have written about how AI could assist in enhancing deterrence, e.g. Johnson ². But little has been written about whether AI could possibly help make nuclear weapons comply with International Humanitarian Law (IHL).

This article will explore from a technical as well as legal perspective whether AI could achieve this compliance, particularly with the Principle of Precaution. The article will conclude that because of the physical aspects inherent to nuclear weapons, even low-yield tactical ones, AI cannot "make" nuclear weapons comply with IHL, more specifically the Principle of Precaution. Consequently, the United States Government, i.e. the State Department and the Department of Defense, should stop saying their guidelines regarding AI have and will comply with IHL.

Much of the data in the paper has been obtained from open sources. Unfortunately, a lot of the data is currently only in the possession of the government. A well-constructed process using the Freedom of Information Act will be used to obtain additional information from the government to answer the question mentioned above. Key interviews will also be conducted with important players in the nuclear weapons arena to supplement the article.

¹ *The real value of artificial intelligence in nuclear command and control," War on the Rocks*, November 4, 2019, Philip Reiner and Alexa Wehsener, p. 2

² *Nuclear Brinkmanship In AI-Enabled Warfare: A Dangerous Algorithmic Game of Chicken*", *War on the Rocks*, September 28, 2023, p. 4, James Johnson

II. Areas Where AI Could Assist in Making Nuclear Weapons Comply with the Law of Armed Conflict

Powerful arguments have been made that AI can enhance nuclear deterrence. While this is not the same as having AI possibly help make nuclear weapons more in compliance with IHL, it can be argued that many of the technical enhancements inherent in AI assisting deterrence could arguably help in making AI comply with IHL. The areas where AI can assist in making deterrence work better are as follows.

1. Complexity of Nuclear Command, Control and Communications (NC3)

The United States NC3 system is complex in part because of the number of subsystems in it. An estimate has been made that there are somewhere between 107 to 240 sub-systems. Some authors have identified 99 of these subsystems of which 39% could be aided by integrating the deep learning capability of AI. Specific areas that could benefit from the integration of AI include frequency modulation, signal processing, and voice and data communications. Modified Miniature Receiver Terminal (MMRT), the Common Submarine Radio Room (CSRR) and the Fixed Satellite Service (FSS) are examples of subsystems that could also benefit from AI. These subsystems exclude space systems which could also benefit from artificial intelligence parent deep learning capability.³

2. Identify False Positives

More generally, NC3 systems could benefit from AI by helping to identify false positives/negatives, perform and increase the productivity of analyzing different types of data, see previously unidentified connections, help with decision making, and catch previously considered anomalous activity.⁴

3. More Productive Analysis of Data

An example of more efficient and productive analysis of data would be in using AI in interpreting data from space based overhead persistent infrared systems. More, specifically AI could help in this regard by analyzing more quickly

³ Ibid, Philip Reiner and Alexa Wehsener,, p.6-7

⁴ Ibid, Philip Reiner and Alexa Wehsener, p. 7

infrared signatures to see if an intercontinental ballistic missile launch has occurred.⁵

4. Real Time Presidential Decision Making

Artificial intelligence could also help presidential decision making during a nuclear attack better. In this regard, once it has been determined that a valid attack has occurred, the president could use an AI model to determine which response more clearly complies with his pre-conflict thinking, including a proportionality test under the Law of Armed Conflict discussed below.⁶

5. Targeting

Perhaps the most important area where AI could be of assistance is that of targeting to prevent harm to non-combatants (still difficult to determine military advantage under Principle of Proportionality and Principle of Distinction). Theodore Postal states that the

...simple mechanics of targeting are in fact very complex, involving many details and incorporating many judgments and assumptions by both high and low level military planners. These hidden judgments have significant policy implications. The complexities of war plans mean that the consequences or even the existence of the many hidden planning judgments are unlikely to be self-evident even to those political decision makers who give the matter substantial attention. Complicating the situation still further, the bureaucracy and secrecy that necessarily surrounds such planning harbor many opportunities for serious technical error and for misinterpretation of guidance from policymakers. This possibility alone has policy implications of enormous importance, suggesting that any decision maker who's

⁵ “*America Needs a Dead Hand Center More Than Ever*”, *War on the Rocks*, March 28, 2024, Adam Lowther and Curtis McGiffin, p. 7

⁶ Ibid, “*America Needs a Dead Hand Center More Than Ever*”, p. 10

provided summarized explanations of the contents of such plans exercise great caution⁷

While at first blush this quote seems to imply that AI could further obfuscate hidden “judgments” (assumptions) made by war planners, AI could in fact keep track of all these assumptions in real time and assess them against facts on the ground to avoid collateral damage, taking into account populations in the target area, weather conditions and wind patterns by loading data into algorithms already created by deep learning, sheltering factors and the lethality of exposure to the weapons.

Scott Sagan has argued that there is an “accuracy revolution” in missile guidance technology that allows the United States to have a warhead detonated closer to its target than before.⁸ AI could make the CEP even higher by keeping track of mobile launchers in real time and their nearness to civilian populations, thereby reducing even further any collateral damage.

Sagan has also pointed out that there is another area of technological change in the ability of war planners to dial down the yield of any warhead.⁹ This is another area where AI could be of assistance by calibrating the exact yield that would minimize collateral damage.

6. Collateral Damage Estimation

The Air Force has developed a Collateral Damage Estimation Methodology (CDEM) which uses a “five step process that standardizes DOD CDEM practices”¹⁰ The Defense Threat Reduction Agency has sophisticated analytic tools which can assess the effects (including economic and political) of a nuclear weapons usage.¹¹ This is another area where AI could be helpful in reducing the number of non-combatant injuries.

7. Joint Warfare Analysis Center (JWAC)

⁷ Theodore Postal, *Targeting*, Chapter 11 in *Managing Nuclear Operations*, p. 373, Ashton B. Carter, John D. Steinbruner and Charles A. Zraket, Editors, The Brookings Institution, Washington, DC, 1987

⁸ Scott D. Sagan, *Just and Unjust Nuclear Deterrence*, Cambridge University Press, April 25, 2023, p. 3

⁹ Ibid, Sagan, p. 5

¹⁰ Air Force Doctrine Publication 3-60, November 12, 2021, p. 73 citing CJSI 3160.01 *No-Strike and Collateral Damage Estimation Methodology*

¹¹ Ibid, p. 80

There is a part of USSTRATCOM (the combat command for strategic deterrence both nuclear and non-nuclear) which “... provides planners with specialized lines of communication analysis for use in developing targeting strategies...by provid(ing) innovative and accurate engineering and modeling-based targeting options with an understanding of risks and consequences, including collateral damage estimates”.¹² AI could be helpful here as well in reducing non-combatant injuries.

III. Nuclear Weapons and IHL

1. US Adheres to LOAC as Applied to Nuclear Weapons

The United States government has stated that international humanitarian law applies to every aspect of the use of nuclear weapons, including targeting. The Obama administration in 2013 has stated “All plans must also be consistent with the fundamental principles of the law of armed conflict. Accordingly, plans will, for example, apply the principles of distinction and proportionality and seek to minimize collateral damage to civilian populations and civilian objects. The United States will not intentionally target civilian populations or civilian objects”.¹³ The Trump Administration’s 2018 Nuclear Posture Review reiterates this view by stating “[if] deterrence fails, the initiation and conduct of nuclear operations would adhere to the law of armed conflict”.¹⁴

Having said that, a publication of the United States Air Force unequivocally states, “Nothing discussed within this document, including the law of war and targeting implications, precludes the use of nuclear weapons.”¹⁵ The same publication goes on to state that nuclear weapons targeting “mirrors the conventional targeting principles discussed” in the same publication (military necessity, unnecessary suffering, proportionality, distinction and honor) “with consideration given for specific weapons effects...Effects-based targeting should account for the potential use of nuclear weapons across the conflict continuum. Nuclear weapons effects must be understood in relation to the conventional operations that they support or with which they are supported”.¹⁶ It is precisely the unique effects that nuclear weapons have which make them incompatible with IHL. This will be discussed at greater length below.

¹² Ibid, p. 89

¹³ U.S. Department of Defense, Report on Nuclear Employment Strategy of the United States Specified in Section 491 of 10 U.S.C (Washington DC: Department of Defense June 12 2013) pp 4-5)

¹⁴ Nuclear Posture Review, Office of the Secretary of Defense, February 2018, p. 23

¹⁵ Ibid, *Air Force Doctrine Publication 3-60, Targeting*, November 12, 2021, p. 74

¹⁶ Ibid, p. 74

Perhaps more interesting in the guidance provided in the Air Force publication for nuclear targeting is the statement that “Commanders must assess the military, as well as political impact, a nuclear strike would have on their operations. Nuclear planning guidance issued at the CDR (combatant commander) level is based on national-level political considerations and is influenced by the military mission.”¹⁷ Presumably the words “national-level political considerations” refers to the National Command Authority. Bringing in the national political consideration once again illustrates the unique nature of nuclear weapons and how these considerations might distort the traditional proportionality analysis under the Law of Armed Conflict.

2. USG Has Acknowledged IHL Applies to AI

As of February 2024, 52 countries, including the United States, have endorsed the *Political Declaration on Responsible Military Use of Artificial Intelligence and Autonomy*. The purpose of the guidelines mentioned in the *Declaration* issued by the Department of State is to create “a normative framework addressing the use of these capabilities in the military domain”. More specifically, the *Declaration* states in pertinent part.

An increasing number of states are developing military AI capabilities, which may include using AI to enable autonomous functions and systems. Military use of AI can and should be ethical, responsible, and enhance International Security. Military use of AI must be in compliance with applicable international law. In particular, use of AI in armed conflict must be in accord with States’ obligations under international humanitarian law, including its fundamental principles. Military use of AI capabilities needs to be accountable, including through such use during military operations within a responsible human chain of command and control. A principled approach to the military use of AI should include careful consideration of risks and benefits, and it should also minimize unintended bias and accidents...States should take appropriate measures steps, such as legal reviews to ensure that their military AI capabilities will be used consistent with their respective obligations under international law, in

¹⁷ Ibid, p. 75

particular international humanitarian law. States should also consider how to use military AI capabilities to enhance their implementation of international humanitarian law and to improve the protection of civilians and civilian objects in armed conflict.¹⁸

It is clear that the United States Government has stated IHL applies to artificial intelligence.

Other US publications asserting IHL applies to AI include:

Ethical Principles for Artificial Intelligence, Joint Artificial Intelligence Center (JAIC) February 2020

US DoD Responsible Artificial Intelligence Strategy and Implementation Highway, Kathleen Hicks June 2022

Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, President Biden October 20, 2023

3. Principle of Precaution

While the United States rejected Protocol 1 of the Geneva Conventions, various administrations (see above) have indicated the United States will comply with major elements of Protocol 1, including proportionality, distinction and precaution. This part of the article will focus on Article 57 of Protocol 1, *Precautions in attack*. Article 57 states in pertinent part the following:

1. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

2. With respect to attacks, the following precautions shall be taken;

a) those who plan or decide upon an attack shall:

¹⁸ *Political Declaration on Responsible Military Use of Artificial Intelligence and Autonomy*, U.S. Department of State, November 9, 2023

i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this protocol to attack them.

ii) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury civilians and damage to civilian objects;

iii) refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

b) an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or combination thereof, which could be excessive in relation to the concrete and direct military advantage anticipated.

3. When a choice is possible between several military objectives for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and to civilian objects.

4. In the conduct of military operations at sea or in the air, each party to the conflict shall, in conformity with its rights and duties under the rules of international law applicable in armed

conflict, take all reasonable precautions to avoid loss of civilian lives and damage to civilian objects.

5. No provision of this article may be construed as authorizing any attacks against the civilian population, civilians or civilian objects.¹⁹

The language of Article 57 makes clear that a weapon such as a nuclear device cannot result in the loss of human life being excessive when related to a clearly identified and detailed material military advantage. This proportionality analysis is at best difficult to perform.

An example of this difficulty is shown during recent conversations with persons previously high in military command. When asked how they performed this analysis, e.g. what is the specific military advantage gained from detonating even a low yield nuclear device and what is your degree of confidence, the response was “I feel it in my gut”.

Article 57 also requires a military planner to take all feasible precautions when choosing a weapon such as a nuclear device to avoid or at last minimize harms to civilians. As will be seen in the following section, because of the very nature of a nuclear device, even one with a very low yield (1 kiloton), the physical aspects of a nuclear detonation prohibits compliance with this aspect of Article 57.

IV. AI Cannot Make Nuclear Weapons Comply with IHL

This part of the paper will focus on how the physical aspects of a low yield nuclear weapons prohibit AI from helping nuclear weapons comply with IHL. Postel discusses what would happen when nuclear weapons are detonated close to friendly troops, particularly even if the detonation occurs outside the range of threatening blast effects, “...light and heat from the detonation can set tents and clothing on fire light weapons can warp and jam from differential heating, and retinal burns or flash blindness can occur.”²⁰ Postel also states that even the use of very low yield weapons and high heights of burst may have reduced the level of radioactivity in the target area and downwind, the same population could still be subjected to large amounts of radioactivity.

¹⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977

²⁰ Postel p. 403

Postel goes on to show what a 1 to 2 kiloton detonation could result in, namely a debris cloud which produces rain containing radioactive material resulting in large radioactive fallout downwind of the target even if a high air burst were to occur. Furthermore, radioactive debris in the rain can create hazards to persons within an area of five to 10 square kilometers downwind of the target.²¹

Even a 1 kiloton detonation can result in fires seven times the one kilometer blast range with civilians suffering flash blindness or retinal burns at distances of 10's of kilometers. Because persons eye pupils are enlarged at night, retinal burns can occur even at 30 to 40 kilometers in clear weather. Furthermore, if a detonation were to occur below cloud cover retinal burns could occur at even greater distances.²²

Further elaboration can be found in a US publication which states "A single, low-yield nuclear weapon employed in a major metropolitan area would produce total devastation an area large enough to produce tens of thousands or even hundreds of thousands of fatalities. ...The survival of thousands of people who are severely injured or exposed to a moderate level of nuclear radiation would depend on the response of various federal, state and local government agencies and non-governmental organizations".²³

The same US publication goes on to state "A very low-yield, 1 kiloton detonation produces severe damage effects approximately one quarter of a mile from GZ. Within the severe damage zone, almost all buildings would collapse and 99 percent of persons become fatalities quickly (a 1 kiloton detonation produces a fireball almost 200 feet in diameter and tens of millions of degrees²⁴). Moderate damage would extend approximately one half mile and would include structural damage to buildings, many prompt fatalities, severe injuries...and induced radiation at ground level that could remain hazardous for many days."²⁵

The publication further analyzes the initial radiation effects of a nuclear detonation by stating "The huge number of gamma rays and neutrons produced by a surface, near-surface, or low-air burst may cause fatalities to people at significant distances...Individuals can do very little to protect themselves against initial

²¹ Postel, p. 403

²² Postel , p. 403

²³ Nuclear Matters Handbook 2020 [Revised], p. 168

²⁴ Ibid, p. 178

²⁵ Ibid, p. 169

nuclear radiation after a detonation has occurred because initial radiation is emitted and absorbed in less than one minute”.²⁶

The publication uses a chart to show that even if a 1 kiloton device were exploded it would cause death within days from radiation if that person were exposed to a very high level and .5 kilometers from the burst, death within weeks if that person were .7 kilometers from GZ and only exposed to one fifth the level of radiation, and 50% chance of death if .8 kilometers away with even a smaller level of exposure.²⁷

Fallout is another effect from even a low yield weapon. The US publication indicates that “...as the fireball rises, it begins to release a significant amount of radioactive dust, which falls to the ground and produces a radioactive fallout pattern around GZ and in areas downwind. The intensity of radioactivity in the fallout area would be hazardous for weeks. This is called early fallout caused primarily by surface detonation...Normally, fallout should not be a hazardous problem for a detonation that is a true air burst. Yet, if rain and/or snow occurs in the target area, radioactive particles could be “washed out” of the fireball, creating a hazardous area of early fallout.”²⁸

There are also biologic and medical effects from the radiation exposure civilians would experience. Once again the US publication has something to say about this by indicating “At medium and high levels of exposure, there are near-term consequences, including impaired performance that can cause casualties and death”²⁹ A table in the publication indicates abnormal cell production, cell death, loss of muscle control and thought processes as a result of the radiation exposure.³⁰

V. Conclusion

The United State government, through various pronouncements, has indicated it will comply with the Law of Armed Conflict both when using nuclear weapons and applying artificial intelligence. As can be seen from Section IV of this article indicating the physical aspects of even a low yield nuclear device results in non-compliance with LOAC, the United States government should

²⁶ Ibid, p. 175-176

²⁷ Ibid, p. 176

²⁸ Ibid, p. 178

²⁹ Ibid, p. 179

³⁰ Ibid, p. 179

refrain from asserting that AI will and has complied with LOAC, particularly when applied to nuclear weapons.