Denmark’s nuclear weapons policy and the Rights of Women

List of Issues Submission to the United Nations Committee on the Elimination of Discrimination against Women During its Periodic Review of Denmark

UN Committee on the Elimination of Discrimination against Women periodic review - 78th session

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Submitted 25 January 2021 by
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Summary

The civil society organisations making this submission contend that the government of Denmark has failed, and continues to fail, to properly implement its commitments and obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women (here-in-after referred to as the Convention) with respect to its policies and actions relating to nuclear weapons.

This includes:

a) Continuing adherence of the government of Denmark to the policy of nuclear deterrence and the option of nuclear weapons potentially being used in defence of the country, which is inconsistent with the objective of nuclear disarmament expressed in the pre-amble of the Convention,

b) Failing to address the transgenerational impact on Greenland women and children arising from the nuclear weapons accident at Thule airbase on January 21, 1968, which is inconsistent with Denmark’s obligations under Article 12 of the Convention.

The organisations making this submission provide some recommendations to the government of Denmark on how to more fully and appropriately implement these commitments and obligations.
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1 The organizations making this submission thank in particular Ian Anderson Esq, Advocate and Attorney at Law for the information, legal analysis and preparation of Section 2 of this submission.
Section 1:
POLICY AND PRACTICE OF DENMARK RELATING TO THE THREAT AND USE OF NUCLEAR WEAPONS AND TO NUCLEAR DISARMAMENT

A. OBLIGATIONS RELATING TO NUCLEAR WEAPONS

1) In its preamble, the Convention on the Elimination of All Forms of Discrimination against Women (the Convention) affirms that:

“... the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control... will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women.”

2) In addition to being a party to the Convention, Denmark is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), Article VI of which obliges them to work for global nuclear disarmament. This was affirmed by the International Court of Justice in 1996 as a universal obligation which requires achievement of the goal of the complete elimination of nuclear weapons under strict and effective international control.

3) Denmark is also obliged to refrain from the threat or use of nuclear weapons. The International Court of Justice affirmed that “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.” The UN Human Rights Committee has affirmed that “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.”

B. IMPACT OF NUCLEAR WEAPONS ON WOMEN AND CHILDREN

4) Article 12 of the Convention requires States Parties to “… take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.”

5) A 2014 report from UNIDIR examines a number of studies to conclude that ionising radiation from nuclear weapons use and testing, and from nuclear accidents, has a much greater health impact on women and girls than on men and boys. This finding was affirmed in the Treaty on the Prohibition of Nuclear Weapons of

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2 “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” Treaty on the Non-proliferation of Nuclear Weapons, Article VI. http://disarmament.un.org/treaties/t/npt/text
5 GENDERED IMPACTS: The humanitarian impacts of nuclear weapons from a gender perspective, By Anne Guro Dimmen. Published by UN Institute for Disarmament Research, Geneva, 2014.
Nuclear Weapons and in the UN Secretary-General’s 2018 report Securing our Common Future: A Disarmament Agenda. This finding, and the evidence for it, establish additional responsibility to prevent the use of nuclear weapons in order to protect women and children. The finding is important in assessing and addressing specific nuclear weapons related incidents that might impact on the health of women and girls, in accordance with Article 12 of the Convention, such as the nuclear weapons accident at Thule Airforce Base in 1968 (see Section 2).

C. DENMARK POLICY AND PRACTICE ON THREAT AND USE OF NUCLEAR WEAPONS

6) Denmark has accepted obligations under the Non-Proliferation Treaty not to produce or acquire nuclear weapons. However, Denmark maintains a policy of nuclear deterrence, where-by it supports the general policy of threat and use of nuclear weapons and is defended by United States nuclear weapons and military arrangements in conjunction with the North Atlantic Treaty Organization (NATO) of which Denmark is a full member, including a member of the NATO Nuclear Planning Group.8

7) This policy is outlined in the Denmark Defence Agreement for 2018-20239, NATO Strategic Concept of 2010 and the US-Denmark Mutual Defense Assistance Agreement of 1950.

8) The NATO Strategic Concept notes that: “Deterrence, based on an appropriate mix of nuclear and conventional capabilities, remains a core element of our overall strategy. The circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote. As long as nuclear weapons exist, NATO will remain a nuclear alliance… The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent strategic nuclear forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies.”

NATO Strategic Concept, November 2010.10

9) This is reinforced by the 2018 NATO Summit: “Allies’ goal is to continue to bolster deterrence as a core element of our collective defence and to contribute to the indivisible security of the Alliance. Following changes in the security environment, NATO has taken steps to ensure its nuclear deterrent capabilities remain safe, secure, and effective. As long as nuclear weapons exist, NATO will remain a nuclear alliance.”

Brussels Summit Declaration, July 201811

10) NATO nuclear policy, to which Denmark subscribes, includes the possible first use of nuclear weapons in a conflict on the behalf of any or all NATO members.

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8 “The Nuclear Planning Group acts as the senior body on nuclear matters in the Alliance and discusses specific policy issues associated with nuclear forces. (...) Irrespective of whether or not they have nuclear weapons, all Allies are members of the NPG with the exception of France, which has decided not to participate.” NATO Nuclear Planning Group.

9 Agreement by the Danish Government (Venstre, the Liberal Alliance and the Conservatives) and the Social Democrats, the Danish People’s Party and the Social-Liberal Party on Defence policy for 2018-2023. The agreement notes that “NATO remains the cornerstone of Danish defence and security policy. With this Agreement, Denmark will continue to maintain our responsibility as a NATO core member state. The Defence Agreement aims towards meeting NATO’s requirements and the force goals that NATO has established for Denmark.” https://fmn.dk/en/topics/agreements-and-economy/agreement-for-danish-defence-2018---2023/

10 NATO Strategic Concept, Adopted by Heads of State and Government at the NATO Summit in Lisbon19-20 November 2010 https://www.nato.int/strategic-concept/index.html

11) Denmark’s support for and participation in NATO policy and practice of threat to use nuclear weapons, and in preparations by NATO to potentially use nuclear weapons, are inconsistent with Denmark’s responsibilities under the Convention on the Elimination of All Forms of Discrimination against Women to promote nuclear disarmament.

D. Denmark policy and practice on nuclear disarmament

12) Denmark has adopted and/or supported a number of incremental nuclear disarmament measures, but has generally refrained from, or abstained on, more comprehensive nuclear disarmament measures.

13) In 1957, Denmark adopted a policy prohibiting the deployment and transit of nuclear weapons on its territory, but did not adequately implement this policy during the Cold War. Denmark continued to accept port visits of nuclear-armed ships (until the US ended deployment of nuclear weapons on surface ships in 1992), and tacitly allowed the US to transit and deploy nuclear weapons in Greenland.

14) On the positive side, Denmark has joined the Comprehensive Nuclear Test Ban Treaty, called for a treaty to end production of fissile materials, supported the Stockholm Initiative, and informally advanced a proposal for an Arctic Nuclear-Weapon-Free Zone which would include the territories of the circumpolar nations. However, Denmark continues to oppose initiatives for comprehensive global nuclear disarmament, including the United Nations proposal for a nuclear weapons convention.

15) Denmark’s low level of support for, and sometimes opposition to, global nuclear disarmament initiatives is inconsistent with responsibilities under the Convention on the Elimination of All Forms of Discrimination against Women to promote nuclear disarmament. As a member of NATO, Denmark is politically bound by the NATO Strategic Concept. However, this does not relieve Denmark of its responsibilities under the Convention and other international law cited in Section 1 (a) to refrain from the threat or use of nuclear weapons and to engage in good faith efforts to achieve nuclear disarmament.

E. Recommendations

16) We recommend that Denmark:

- Revive and advance the proposal for establishing an Arctic Nuclear Weapon Free Zone;
- Propose to the next NATO Summit that NATO adopts a policy of No-First-Use of nuclear weapons and a goal for NATO to eliminate nuclear deterrence from its security policy within 10 years;
- Reaffirm the Reagan-Gorbachev dictum that ‘a nuclear war cannot be won and must never be fought’, and propose that the 2021 Review Conference of States Parties to the Non-Proliferation Treaty (NPT) also adopt this dictum along with supportive policy measures, such as No-First-Use and a commitment to achieve the global prohibition and elimination of nuclear weapons no later than 2045, the 75th anniversary of the NPT.

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13 Nordic nuclear non-proliferation policies: different traditions and common objectives, Lars van Dassen and Anna Wetter, SIPRI, p 255. https://www.sipri.org/sites/default/files/files/books/SIPRI06BaHe5u/SIPRI06BaHe5u14.pdf

14 See Statement by H.E. Mr. Martin Bille Hermann, Permanent Representative of Denmark, General Debate First Committee of the 75th UN General Assembly, New York, 19 October 2020, https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com20/statements/19Oct_Denmark.pdf

15 Denmark votes against the annual UN resolution ‘Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament,’ the principal call of which is for negotiations on a nuclear weapons convention. See https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com20/resolutions/L17.pdf for the text and https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com20/votes/L17.pdf for the votes.
Section 2: Obligations of Denmark in relation to the impact of the 1968 Thule nuclear weapons accident on Greenland women and their offspring

SUBMISSION ON DENMARK’S NON-COMPLIANCE WITH ARTICLE 12 (2) OF THE CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN.

a) PREAMBLE: CHILDBEARING GREENLANDIC WOMEN

The following submission concerns Denmark’s failure to take all appropriate steps to safeguard childbearing Greenlandic women in the Thule area of Greenland’s Arctic Circle from the lasting effects of a nuclear bomb disaster.

1) Greenland is an autonomous state within the Kingdom of Denmark which handles Greenland’s foreign affairs. Greenlandic women are both Danish and EU citizens.

2) On acceding to the above international Convention on April 21st. 1983, Denmark undertook to adopt all necessary measures at national level under Art. 24, to secure and fully realize the rights in the Convention.

3) As appears more fully below, Denmark has failed to do so in the case of childbearing Greenlandic women, by refusing to implement necessary pregnancy services under Art. 12 (2) to protect their health and that of their offspring from lasting radiation hazards created by a nuclear disaster in the Thule region.

B) SECRET DEPLOYMENT OF NUCLEAR BOMBS IN GREENLAND

4) In the 1950s, following substantial opposition by Danish people to nuclear weapons, the then Danish Prime Minister H.C. Hansen, personally “assured” them that Denmark would never allow the US to deploy nuclear weapons on or above Danish territory under a 1951 Danish/US agreement, permitting the US to establish military bases in Greenland and overfly its airspace.

5) Subsequently however, by a secret international agreement between the US and the Hansen government, it was agreed that the US need not inform Denmark of its deployment of such nuclear weapons. (See Annex A, November 1957 letter from US Deputy Under Secretary of State to US Assistant Secretary of Defense, giving the “green light” for nuclear deployment in Greenland, and recording the Danish PM’s “adamant” demand that the arrangement be kept secret.)

6) The secret deployment of nuclear weapons in Greenland only came to light in 1968, when a US B- 52 aircraft flying over Greenland with four operational nuclear bombs, crashed and burned at Thule in the Greenlandic Arctic Circle.

7) Fortunately no thermo- nuclear detonation occurred, but the nuclear bombs burned for hours in the intense conflagration, releasing a deadly plume of trillions of respirable particles of radioactive weapons grade plutonium, (Pu 239) and its heavy mental component plutonium oxide, (PuO₂), as well as similar dangerous radioactive particles of americium and tritium.

C) DEADLY INHALATION AND INGESTION OF WEAPONS GRADE PLUTONIUM

8) While radioactive Pu 239 alpha particles cannot penetrate healthy skin, they are deadly if inhaled, entering the blood stream through the lungs and lodging in the body for decades where they internally irradiate adjacent cells and tissues until slowly excreted in the urine and feces.
9) The US National Research Committee on the Biological Effects of Ionizing Radiation, (BEIR) has estimated that 1 milligram of inhaled Pu 239 will result in 6-12 subsequent cancer deaths.\footnote{Health Effects of Exposure to Low Levels of Ionizing Radiation: US National Research Committee on the Biological Effects of Ionizing Radiation, (BEIR) 1990}

10) Pu 239 is so dangerous that it can only be dealt with safely in laboratory conditions through sleeve gloves, in sealed fume cupboards at negative pressure to prevent inhalation. Outside of well instrumented labs it is extremely difficult to detect. It can also enter the body through cuts and abrasions or by ingestion of food stuffs and water on which it has settled, internally irradiating stomach tissue. (See \textit{Annex B}, Statement by Professor Frank Barnaby\footnote{Professor Frank Barnaby, who died a few months ago, was \textit{inter alia}, a Health Physics expert in the UK’s Atomic Weapons Research Department; a senior member of the Medical Research Council of University College Hospital London; consultant to the Oxford Research Group, UK on the dangers of “dirty” bombs; a participant in US/ USSR nuclear weapons conferences, including cancer and genetic health risks from “fall-out”; Executive Secretary of Pugwash conferences; Editor- in Chief of the “\textit{International Journal of Human Rights}; Director of the Stockholm International Peace Research Institute; author of numerous books on nuclear weapons and related health issues; editor of “\textit{Plutonium and Security}”.} page 2)

11) While operations to detect and remove the resulting contamination of the Thule area were initiated, only half of the contamination was removed. Pu 239 has a half-life of 24,000 years and can be re-suspended in the dry frigid Arctic air by ferocious winter gales. As such, it poses a constant health threat to Greenlandic nationals in the region, especially to childbearing women, their foetuses and subsequent offspring.

\textbf{D) DANGER TO THE HEALTH OF CHILDBEARING WOMEN AND THEIR OFFSPRING FROM WEAPONS GRADE PLUTONIUM}

12) The US Center for Disease Control and Prevention, (CDC) has warned that the exposure of pregnant mothers to airborne inhalation or ingestion of radioactive particles, (such as Pu 239), during the first 2 to 18 weeks of pregnancy, will not only endanger the mother’s health but may have severe consequences for both the foetus and offspring. (\textit{Annex C}, CDC Report)

13) The mother’s inhaled or ingested radioactive particles will be carried in her bloodstream through the umbilical cord and also lodge in the foetus’s tissues, internally irradiating them. If the foetus does not die as a consequence, deformities and severe brain damage in offspring will develop in addition to stunted growth and subsequent child cancers. (\textit{Annex C, ibid})

\textbf{E) DENMARK’S FAILURE TO IMPLEMENT ALL APPROPRIATE HEALTH AND SAFETY CHILDBEARING SERVICES FOR GREENLANDIC WOMEN.}

14) Article 12 (2) of the Convention requires State parties, such as Denmark to: “\textit{ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period}”.

Denmark has failed to comply with its Art. 12 (2) obligations by refusing to implement appropriate medical monitoring services to protect the health of Greenlandic childbearing women and their offspring from lasting radiation hazards in the Thule region. Its refusal in this regard has extended beyond its Convention obligations to its duties to implement EU radiation health safety laws.

15) In 2002, for example, a Danish worker who had been in the Thule area when the nuclear bombs burned, requested the European Parliament to direct Denmark to provide medical monitoring services, as required by EU law, for the early detection and treatment of radiation related illnesses and cancers. (\textit{Carswell v. Denmark}; Petition 720/2002)
The EU law in question, Council Directive 96/29 provides enhanced uniform safety standards and services to protect the health of the general public and workers from ionizing radiation, (Art. 54), including radiological “emergencies”, (Art. 48), such as occurred at Thule. Such services include medical monitoring of potentially exposed members of the public and workers for the early detection and treatment of radiation illnesses.

Significantly, while the EU Parliament was deliberating on Petition 720/2002, Denmark’s own Radiation Research Department at its National Laboratory on the Risø peninsular produced a 2005 report, finding that 37 years after the B-52 crash, weapons grade plutonium, (Pu 239), still presented a potential hazard to people in the Thule region.

In May 2007, the entire EU Parliament adopted an exceptional plenary procedure and voted overwhelmingly in favour of the Petition. Denmark was accordingly required to implement the EU’s uniform radiation protection requirements of Directive 96/29. The Parliament cited *inter alia*, Denmark’s lack of medical monitoring and the radiation risk at Thule of contracting serious radiation illnesses. (See, Annex D, EU Parliamentary Resolution, paragraph C.)

**F) DENMARK’S FIXED POLICY OF SUPPRESSING THE TRUE EXTENT OF THULE RADIATION HEALTH HAZARDS**

Despite this, Denmark ignored the EU Parliament and persisted in refusing to implement the EU’s uniform radiation safety measures contained in Council Directive 96/29. In doing so it has continued a fixed policy of suppressing and minimizing the true extent of the plutonium contamination and health hazards at Thule which medical monitoring would reveal.

For example, in June 1968, several months after the crash, the Danish Government successfully blocked all public access to information on; i) the amount of Pu 239 released by the crash; ii) the amount remaining in the Thule region after “clean-up” operations, together with; iii) the capacity and number of containers filled with contaminated material during the “clean-up”. (See Annex E, June 18th, 1969 Memorandum of Director of Classification, US Atomic Energy Commission, confirming compliance with Denmark’s insistence that such information would be deleted from scientific papers to be given at a Health Physics Society meeting in Denver on June 20th.)

**G) DENMARK’S INTERNATIONAL OBLIGATIONS TO CHILDBEARING GREENLANDIC WOMEN UNDER THE CONVENTION**

While Denmark believes it can ignore the uniform radiation standards and health monitoring protections of EU Directive 96/29, it never-the-less has an international obligation under Art. 24 of the Convention to implement a national policy to secure and fully realize the Convention’s rights.

As such, Denmark is required to provide appropriate specialized services to childbearing Greenlandic women in the contaminated Thule region under Art. 12 (2), for monitoring their health and that of their vulnerable foetuses in the first 2 to 18 weeks of pregnancy. (See CDC Report, Annex C above)

Available pre-pregnancy and early pregnancy screening of such Greenlandic women by cytogenic blood analysis for early detection and treatment of radiogenic illnesses, will both protect their health and inform them of the prospects of producing healthy foetuses and delivering healthy children.

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18 “the Danes expressed... the very strong view that no quantitative data should be published concerning the amount of plutonium that was deposited on the ice and the amount that was to be left after removal operations were complete.” (Ibid, page 2)
24) In this regard, it should also be recalled that the preamble to the Convention affirms the overarching duty to “promote social progress and development”, which is normally dependent on a healthy population.

**H) mBAND BLOOD TESTING FOR THE PERMANENT BIO-MARKER OF RADIATION EXPOSURE**

25) Exposure to ionizing radiation, including inhalation or ingestion of weapons grade plutonium, (Pu 239), leaves a permanent genetic bio-marker, or “fingerprint”, within the chromosomes of an exposed person. This can be detected from a blood sample by a relatively simple mBAND laboratory procedure. The International Atomic Energy Agency, (IAEA), in a 2011 Report considered mBAND effective for evaluating the effects of radiation on the human body.

26) mBAND testing can additionally assess the intensity of exposure by the number of radiation induced “translocations” of genetic material within a specific chromosome. Software for mBAND testing procedure is commercially available and can be utilized to provide screening services under Art. 12 (2) to childbearing Greenlandic women in order to assess their own exposure levels to ionizing radiation and inform them of their prospects of producing healthy foetuses and children.

**I) CONCLUSION**

27) No rational distinction exists between childbearing women in Greenland’s Arctic Circle and those elsewhere in Denmark who are also Danish and EU citizens. Despite this and the risk of Pu 239 exposure in the Thule region, Denmark has failed to implement appropriate services under Art 12 (2) of the Convention, depriving childbearing Greenlandic women of necessary radiation screening services to ensure their health and that of their foetuses and children.

28) The Committee should accordingly consider Denmark in breach of its undertaking to take all appropriate measures in the case of Greenlandic women to eliminate prejudicial discrimination in the field of health care and call for its immediate compliance with its obligations.

*List of Annexes (Annexes are attached as a PDF file)*

**Annex A:** November 1957 letter from US Deputy Under Secretary of State to US Assistant Secretary of Defense, giving the “green light” for nuclear deployment in Greenland, and recording the Danish PM’s “adamant” demand that the arrangement be kept secret.

**Appendix B:** Statement by Professor Frank Barnaby, US National Research Committee on the Biological Effects of Ionizing Radiation, 18 November 2008.

**Annex C:** US Center for Disease Control and Prevention Report on exposure of pregnant mothers to airborne inhalation or ingestion of radioactive particles.


**Annex E:** June 18th. 1969 Memorandum of Director of Classification, US Atomic Energy Commission, confirming compliance with Denmark’s insistence that such information would be deleted from scientific papers to be given at a Health Physics Society meeting in Denver on June 20th. 
About the submitting organizations:

**Aotearoa Lawyers for Peace:**
Aotearoa Lawyers for Peace (ALP) is an organization of lawyers and law students from Aotearoa (New Zealand) working to abolish nuclear weapons, increase respect for international law and abolish war. ALP is the New Zealand affiliate of the International Association of Lawyers Against Nuclear Arms, and is a founding partner of UNFOLD ZERO, which promotes United Nations initiatives for nuclear disarmament.


**Basel Peace Office:**
Basel Peace Office is a coalition established by five Swiss and four international organizations to advance the peace and security of a nuclear-weapon-free world. Basel Peace Office makes connections between inter-related issues - including peace, the climate, nuclear disarmament, human rights and sustainable development - and builds cooperation amongst key constituencies including mayors, parliamentarians, religious leaders, academics, youth/students, women, lawyers, medical professionals, government officials and UN entities.

Basel Peace Office is a member of the EU Non-proliferation Consortium. The partner organizations are the Basel-Stadt Canton (a member of Mayors for Peace), Global Security Institute, International Physicians for the Prevention of Nuclear War Switzerland, Middle Powers Initiative, Parliamentarians for Nuclear Non-proliferation and Disarmament, Schweizer Anwälte für Nukleare Abrüstung (the Association of Swiss Lawyers for Nuclear Disarmament), Swisspeace, University of Basel Sociology Seminary of the Department of Social Sciences and the World Future Council.


**World Future Council**
The World Future Council (WFC) was established to promote effective policies to ensure a peaceful and sustainable future. WFC consists of 50 eminent global change-makers from governments, parliaments, civil society, academia, the arts and business who have already successfully created change. They are supported by a staff of experts that work with the concillors to identify, develop, highlight and spreading effective, future-just solutions for current challenges humanity is facing.

www.worldfuturecouncil.org  www.facebook.com/wfc.goodpolicies

**Youth Fusion**
Youth Fusion is a world-wide networking platform for young individuals and organizations in the field of nuclear disarmament, risk-reduction and non-proliferation. Youth Fusion focuses on youth action and intergenerational dialogue, building on the links between disarmament, peace, climate action, human rights, sustainable development and building back better from the pandemic. Youth Fusion serves as the youth section of Abolition 2000, the global civil society network to eliminate nuclear weapons.

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