

Wolfgang Kaleck, Michael Ratner, Tobias Singelstein and Peter Weiss, eds., *International Prosecution of Human Rights Crimes*, Springer, Berlin, 2006.

## Section 1.2: The Nuclear Non-Proliferation Treaty

- 1 Natural Resources Defense Council, "Table of Global Nuclear Weapons Stockpiles, 1945-2002," Archive of Nuclear Data. Online at <http://nrdc.org/nuclear/nudb/datab19.asp>; Hans Kristensen, "Status of World Nuclear Forces," The Nuclear Information Project, updated February 17, 2007. Online at <http://www.nukestrat.com/nukestatus.htm>.
- 2 *Weapons of Terror*, p. 63.
- 3 *Id.*
- 4 *Id.*
- 5 *Id.*
- 6 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Decision 2, "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," *Final Document*, Part I, NPT/CONF.1995/32, Annex, p. 10 ("1995 Final Document"). Online at <http://disarmament2.un.org/wmd/npt/1995nptrevconfdocs.html>.
- 7 "Middle East Resolution," *1995 Final Document*, pp. 13-14.
- 8 International Court of Justice, "Legality of the Threat or Use of Nuclear Weapons," Advisory Opinion of 8 July 1996, *ICJ Reports* (1996), p. 226 (hereafter "*Nuclear Weapons Opinion*"). Online at <http://www.icj-cij.org/icjwww/icas/iunan/iunanframe.htm>.
- 9 *Id.*, para. 105(2)(E). See also paras. 33, 78-79, 89.
- 10 *Id.*, para. 42.
- 11 Committee on International Security and Arms Control, National Academy of Sciences, *The Future of U.S. Nuclear Weapons Policy*, National Academy Press, Washington, 1997, p. 87. Online at <http://books.nap.edu/html/fun>.
- 12 *Nuclear Weapons Opinion*, para. 105(2)(F) (emphasis supplied). In reaching this conclusion, the Court drew on both Article VI and other international law sources. See paras. 99, 100, 103. Thus while not stated explicitly, the Court's analysis makes it reasonably clear that the disarmament obligation applies to states outside the NPT, including India, Pakistan, and Israel.
- 13 *Weapons of Terror*, p. 109.
- 14 A/RES/61/83 (2006).
- 15 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, Vol. I, NPT/CONF.2000/28, Part I, pp. 14-15. Online at <http://disarmament.un.org/wmd/npt/finaldoc.html>.
- 16 John Burroughs and William Epstein, "Hopes for Revival of Nuclear Disarmament Efforts?" *Nuclear Disarmament Commentary* (December 2000). Online at <http://www.lcnp.org/disarmament/Commentary/Commentary10.htm>.
- 17 See Peter Weiss, John Burroughs, and Michael Spies, "The Thirteen Practical Steps: Legal or Political?" Lawyers' Committee on Nuclear Policy, May 2005. Online at <http://www.lcnp.org/disarmament/npt/13stepsaper.htm>.
- 18 A/RES/61/74 (2006).
- 19 A/RES/61/65 (2006).
- 20 Members of the New Agenda Coalition are Brazil, Egypt, Ireland, Mexico, New Zealand, Sweden, and South Africa.

- 21 For the U.S. position on the Practical Steps and Article VI, see J. Sherwood McGinnis, Deputy U.S. Representative to the Conference on Disarmament, Remarks to the Second Session of the Preparatory Committee for the 2005 Review Conference, Geneva, May 1, 2003. Online at <http://geneva.usmission.gov/press2003/0501NPTMcGinnis.htm>.
- 22 See David E. Sanger, "Month of Talks Fails to Bolster Nuclear Treaty," *New York Times*, May 28, 2005.
- 23 *Weapons of Terror*, pp. 63-64.
- 24 See Canada's working paper submitted to the 2005 NPT Review Conference, "Achieving Permanence with Accountability." May 17, 2005, NPT/CONF.2005/WP.39. This paper proposes annual meetings and a standing "bureau" composed of representatives of states parties. Online at <http://reaching-criticalwill.org/legal/npt/RevCon05/wp/WP39.pdf>.
- 25 See Jayantha Dhanapala with Randy Rydell, *Multilateral Diplomacy and the NPT: An Insider's Account*, United Nations Institute for Disarmament Research, Geneva, 2005, pp. 129-132.

### Section 1.3: The Role of the UN Security Council

- 1 *Weapons of Terror*, p. 182.
- 2 *Id.*, p. 54.
- 3 Article XII(3) of the CWC provides that in the case of prohibited activities, the Conference of the States Parties, "may recommend collective measures to States Parties in conformity with international law." The NPT and BWC have no such provision, but there is no doubt that review conferences or other meetings of states parties could call for states to apply sanctions. One obstacle to overcome would be the practice of consensus.
- 4 *Weapons of Terror*, p. 18.
- 5 See generally José E. Alvarez, *International Organizations as Law-Makers*, Oxford University Press, Oxford, 2005, pp. 184-217.
- 6 See *id.*
- 7 Regarding some of these cases, see *Weapons of Terror*, pp. 180-181.
- 8 *Id.*, pp. 63-64.
- 9 United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) was the second body established by the Security Council to verify Iraq's compliance with requirements of dismantling chemical and biological weapons and missile programs. Its fate remains to be determined by the Security Council.
- 10 See Michael Spies and John Burroughs, "Commentary on Security Council Resolution 1696 on Iran," Lawyers' Committee on Nuclear Policy, New York, July 31, 2006, online at <http://lcnp.org/disarmament/iran/UNSCres-jul06.htm>; John Burroughs, "The Iran Situation: Options for the Security Council," Lawyers' Committee on Nuclear Policy, New York, May 2, 2006, online at <http://lcnp.org/disarmament/iran/remarks-may2.htm>.
- 11 Arms Control Association, "Hans Blix Reports on WMD Dangers and Solutions," June 7, 2006. Online at [http://www.armscontrol.org/events/20060607\\_Blix\\_WMDC\\_Transcript.asp](http://www.armscontrol.org/events/20060607_Blix_WMDC_Transcript.asp).
- 12 International Court of Justice, "Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding