Notes

Introduction


4. *World Nuclear Forces*, 2007; Robert Norris and Hans Kristensen, “U.S. nuclear forces, 2007,” *Bulletin of the Atomic Scientists*, January/February 2007, pp. 79-82; Hans Kristensen, “US Air Force Decides to Retire Advanced Cruise Missile,” *Strategic Security Blog*, Federation of American Scientists, March 7, 2007 (“Kristensen”). Online at http://www.fas.org/blog/ssp/2007/03/us_air_force_decides_to_retire.php#more. Since states possessing nuclear weapons are not transparent about their holdings, it deserves emphasis that the figures supplied by these well-regarded non-governmental sources are only estimates and are subject to considerable uncertainty. The difference between the figure of 26,000 total warheads in the world given in *World Nuclear Forces, 2007* and the figure of 27,000 used by the WMD Commission is mainly due to Russian and U.S. dismantlements since the Commission’s report was prepared.

5. Kristensen.


7. Id.


11. Id., p. 206.

12. Id., p. 60.

13. Id., p. 23.


15. Id., p. 19.


17. See id., pp. 12, 28.

18. Felicity Hill provided guidance regarding the history of commissions.


20. Id., Introduction.

Section 1.1: Treaty Regimes and International Law

1. *Weapons of Terror*, p. 94.
6. The fact that U.S. international legal obligations have the status of law binding on the U.S. government does not mean that they are readily enforceable in U.S. courts. Citizens are not granted standing by courts to challenge alleged U.S. violations of international obligations unless they can demonstrate a harm personal to themselves as opposed to one generally suffered by the public. Courts have also developed what is known as the “last-in-time” rule, under which when there is a conflict between a treaty and a federal statute, the most recently adopted prevails. Additionally, a “non-self-executing” treaty will not be applied absent implementing legislation. Courts do recognize, however, that regardless of its enforceability in U.S. courts, a treaty obligation remains a legal obligation of the United States on the international plane. See *Rule of Power or Rule of Law?*, p. 2.
7. In remarks at Simon Fraser University in Vancouver, Canada on June 28, 2006, about a month after the WMD Commission Report was released, Hans Blix made similar observations:

[A]fter the end of the Cold War, at the beginning of the ‘90s, there was a feeling of sort of relief that we no longer risked the sort of MAD Mutually Assured Destruction of the U.S. and Russia in which the rest of us might be wiped off as collateral damage. That concern, that anguish, was over and we all expected a sort of harvest for disarmament. Well there was some harvest. There was the Chemical Weapons Convention, which had been negotiated for decades. There was also the Comprehensive Test Ban Treaty, which had also been negotiated…. We also got something that was very important during the ‘90s and that was the decision of the Security