

Notes

Introduction

- 1 Weapons of Mass Destruction Commission, final report, *Weapons of Terror: Freeing the World of Nuclear, Biological, and Chemical Arms*, Stockholm, June 1, 2006 (“*Weapons of Terror*”). Online at http://www.wmdcommission.org/files/Weapons_of_Terror.pdf.
- 2 Hans Kristensen, “Status of World Nuclear Forces, 2007,” The Nuclear Information Project, March 29, 2007 (“*World Nuclear Forces, 2007*”). Online at <http://www.nukestrat.com/nukestatus.pdf>.
- 3 Natural Resources Defense Council, “Table of Global Nuclear Weapons Stockpiles, 1945-2002.” Online at <http://www.nrdc.org/nuclear/nudb/datab19.asp>.
- 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*.
- 6 *World Nuclear Forces, 2007*.
- 7 *Id.*
- 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, para. 105(2)E and F (“*Nuclear Weapons Opinion*”).
- 9 United Nations Monitoring, Verification and Inspection Commission. See <http://www.unmovic.org>.
- 10 *Weapons of Terror*, pp. 11-12.
- 11 *Id.*, p. 206.
- 12 *Id.*, p. 60.
- 13 *Id.*, p. 23.
- 14 *Id.*, p. 160.
- 15 *Id.*, p. 19.
- 16 *Id.*, p. 109.
- 17 See *id.*, pp. 12, 28.
- 18 Felicity Hill provided guidance regarding the history of commissions.
- 19 The Independent Commission on Disarmament and Security Issues, *Common Security: A Blueprint for Survival*, Simon and Schuster, New York, 1982.
- 20 *Id.*, Introduction.
- 21 “Executive Summary,” Report of the Canberra Commission on the Elimination of Nuclear Weapons, 1996. Online at http://www.dfat.gov.au/cc/cc_report_exec.html.

- 22 “Part Four: Achieving Nuclear Disarmament,” Report of the Tokyo Forum for Nuclear Non-Proliferation and Disarmament, July 25, 1999. Online at <http://www.mofa.go.jp/policy/un/disarmament/forum/tokyo9907/report-4.html>.
- 23 *Weapons of Terror*, p. 160.
- 24 *Id.*, p. 22.
- 25 *Id.*, p. 23.
- 26 *Id.*
- 27 M.V. Ramana, “Bombing Bombay? Effects of Nuclear Weapons and a Case Study of a Hypothetical Explosion,” International Physicians for the Prevention of Nuclear War, 1999.
- 28 *Nuclear Weapons Opinion*, para. 36.

Section 1.1: Treaty Regimes and International Law

- 1 *Weapons of Terror*, p. 94.
- 2 *Id.*, pp. 167-168. See also Randy Rydell, “Disarmament without Agreements?” *International Negotiation*, Vol. 10, No. 3, 2005, pp. 363-380.
- 3 Nicole Deller, Arjun Makhijani, and John Burroughs, eds., *Rule of Power or Rule of Law? An Assessment of U.S. Policies and Actions Regarding Security-Related Treaties*, The Apex Press, New York, 2003 (“*Rule of Power or Rule of Law?*”).
- 4 *Rule of Power or Rule of Law?* preface, p. xiii.
- 5 *The Paquete Habana*, 175 U.S. 677, 700 (1900). Online at <http://supreme.justia.com/us/175/677/case.html>.
- 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