

**Nuclear Non-Proliferation in International Law -
Volume VI**

Jonathan L. Black-Branch · Dieter Fleck
Editors

Nuclear Non-Proliferation in International Law - Volume VI

Nuclear Disarmament and Security at Risk –
Legal Challenges in a Shifting Nuclear World



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Preface

In 2007, the International Law Association (ILA) mandated a *Committee on Nuclear Weapons, Non-Proliferation, and Contemporary International Law* ‘to consider competing legal approaches to non-proliferation and regulating nuclear weapons within the contemporary context’. Throughout the years that followed, the Chair of the Committee Jonathan L. Black-Branch and Rapporteur Dieter Fleck, working entirely independently, assessed the three pillars of the Nuclear Non-Proliferation Treaty¹—non-proliferation of nuclear weapons; the right to develop research, production, and use of nuclear energy for peaceful purposes; and nuclear disarmament—in context, focusing on controversial issues related to and interdependencies existing between those pillars. The Kyoto ILA Conference, held online from 29 November—13 December 2020, has endorsed the Committee’s *Recommendations to Ensure Compliance with Legal Obligations concerning Nuclear Weapons, Nuclear Non-Proliferation, and Peaceful Uses of Nuclear Energy*, commending them to States, the United Nations, the International Atomic Energy Agency, and non-governmental organizations working in these fields.²

This book series was instrumental in reaching this result. It provided a forum for exchange and discussion on a most complex and controversial branch of international law which is and remains highly relevant for global and regional security. The present sixth volume of the series focuses on legal challenges for nuclear disarmament and highlights the need for continued work on the development of principles and rules and their implementation and enforcement.

Special acknowledgment is extended to our anonymous peer reviewers. Acting in a double-blind review process, they have offered critical advice, professional encouragement, and helpful suggestions with regard to each chapter. All contributors benefitted from this process. Finally, we would like to express our sincere gratitude to T.M.C. ASSER PRESS/Springer for securing this publication in such a professional

¹ Treaty on the Non-Proliferation of Nuclear Weapons (1 July 1968), 729 *UNTS* 161.

² The complete documentation including five reports of the ILA Committee on Nuclear Weapons, Non-Proliferation, and Contemporary International Law and its recommendations with commentary is available under <https://www.ila-hq.org/index.php/committees>.

manner. We again thank Frank Bakker and his team for their outstanding interest, professional diligence, and very helpful support.

Oxford, UK
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March 2021

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Abbreviations

| | |
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| ACHR | American Convention on Human Rights |
| AfCtHPR | African Court on Human and Peoples' Rights |
| AI | Artificial intelligence |
| BWC | Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction |
| CERD | Committee on the Elimination of Racial Discrimination |
| CPPNM | Convention on the Physical Protection of Nuclear Material |
| CTBT | Comprehensive Nuclear Test Ban Treaty |
| CWC | Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction |
| ECHR | European Convention on Human Rights |
| EU | European Union |
| GDP | Gross domestic product |
| GICNT | Global Initiative to Combat Nuclear Terrorism |
| HLW | High-level waste |
| IACtHR | Inter-American Court of Human Rights |
| IAEA | International Atomic Energy Agency |
| ICAN | International Campaign to Abolish Nuclear Weapons |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICJ | International Court of Justice |
| ILO | International Labour Organization |
| ILW | Intermediate-level waste |
| JCPOA | Joint Comprehensive Plan of Action |
| LAS | League of Arab States |
| LILW | Low- and intermediate-level waste |
| LLW | Low-level waste |
| LTBT | Treaty Banning Nuclear Weapons in the Atmosphere, in Outer Space and Under Water |

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| MPEPIL | Max Planck Encyclopedia of Public International Law (https://opil.ouplaw.com/home/mpi) |
| MTCR | Missile Technology Control Regime |
| NAM | Non-Aligned Movement |
| NATO | North Atlantic Treaty Organization |
| NPT | Treaty on the Non-Proliferation of Nuclear Weapons |
| NSG | Nuclear Suppliers Group |
| OAS | Organization of American States |
| OIC | Organisation of Islamic Cooperation |
| OSCE | Organization for Security and Cooperation in Europe |
| RWMPS | Radioactive Waste Management Policy and Strategy |
| SC | Security Council |
| SIPRI | Stockholm International Peace Research Institute |
| START I and II | Strategic Arms Reduction Treaties |
| TPNW | Treaty on the Prohibition of Nuclear Weapons |
| UN DRIP | United Nations Declaration of the Rights of Indigenous Peoples |
| UNCLOS | UN Convention on the Law of the Sea |
| UNDC | UN Disarmament Commission |
| UNGA | United Nations General Assembly |
| UNIDIR | United Nations Institute for Disarmament Research |
| UNODA | United Nations Office for Disarmament Affairs |
| UNTS | United Nations Treaty Series |
| VCLT | Vienna Convention on the Law of Treaties |
| WMD | Weapons of Mass Destruction |