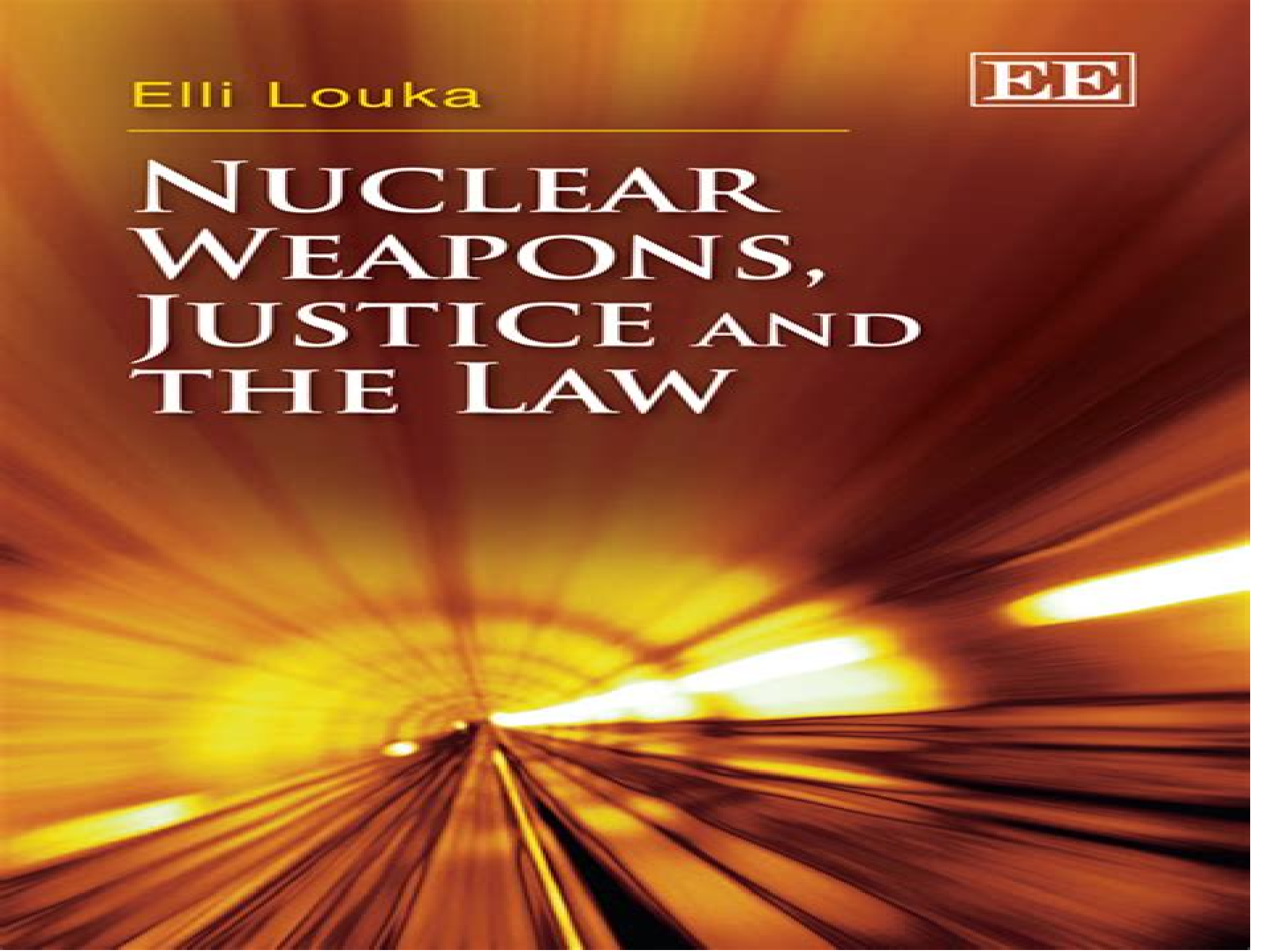


Elli Louka



NUCLEAR WEAPONS, JUSTICE AND THE LAW



Nuclear Proliferation And The Legality Of Nuclear Weapons

Diane Omari



Nuclear Proliferation And The Legality Of Nuclear Weapons:

An attempt to fill the legal gap. The treaty on the prohibition of nuclear weapons Diane Omari, 2020-03-03 Master's Thesis from the year 2019 in the subject Politics Topic Public International Law and Human Rights grade 80 00% Leiden University language English abstract This thesis will first outline the background and key conventions that are predecessors to the TPNW Chapter II will cover thematic similarities between these conventions and then demonstrate how the ideas codified within these treaties left the issue of the use of nuclear weapons legality ambiguous It will then analyse the ICJ's famous Advisory Opinion on the matter and the debates leading up to the acceptance for such a request Chapter III will discuss the main recurring ideas and issues furthering the need for a convention with clarity on the illegality of nuclear weapons and analyse the drafting process of the Treaty by observing the contribution of several states international organizations and non governmental organizations NGOs Various opinions will be observed to outline the perceived legal impact of the Treaty considering that most are dubious of the cooperation of nuclear weapons states Chapter IV will analyse key provisions of the Treaty its adoption and voting patterns This will include a look at the boycotting of the process by states with nuclear weapons and their allies with a closer observation of the case of the Netherlands who was the only State voting against the adoption The thesis will conclude by identifying the potential successes of the Treaty pursuant to goals outlined in the drafting process and identifying possible recurring issues that may occur with regards to the cooperation of nuclear weapons states The Treaty on the Prohibition of Nuclear Weapons likelihood of achieving its aims will depend on the pressure it creates on states that possess nuclear weapons and their efforts towards disarmament With an analytical view of the drafting process and subsequent voting on the Treaty it seems the only states likely to sign or ratify the Treaty belong to the group that does not possess them to begin with Nonetheless the Treaty may have an effect on nuclear weapon states behaviour if it is widely accepted by other states compelling them to take more aggressive action towards nuclear disarmament Therefore while the TPNW's adoption is a progressive step towards greater certainty on the illegality of nuclear weapons its success in creating a safer world for humanity will largely depend on the likelihood of states in possession of nuclear weapons to feel some obligation to comply with its provisions

Nuclear Proliferation and the Legality of Nuclear Weapons William M. Evan, Ved P. Nanda, 1995-11 This work presents a set of penetrating essays by distinguished legal and international security scholars who study the strengths and weaknesses of the Nuclear Non Proliferation Treaty and the widespread assumption of the legality of nuclear weapons Evan and Nanda's book commemorates the 50th anniversary of the atomic bombing of Hiroshima and Nagasaki the 50th anniversary of the founding of the United Nations and the 25th year review of the Nuclear Non Proliferation Treaty In a critical analysis these essays investigate the prevalent assumption held by political leaders concerning the legality of nuclear weapons This book supports the World Court Project which was founded in the interest of applying international law to protect humanity from the threat posed by nuclear

weapons In such subject matter no other work compares to Nuclear Proliferation and the Legality of Nuclear Weapons Clearly Evan and Nanda have edited a work that will be of utmost interest to students enrolled in courses on international law international relations and international security specialists in international law or national security diplomats and members of missions to the United Nations

Nuclear Non-Proliferation in International Law - Volume VI Jonathan L. Black-Branch,Dieter Fleck,2021-07-26 This sixth volume of the book series on Nuclear Non Proliferation in International Law focuses on current legal challenges regarding nuclear disarmament and security The Series on Nuclear Non Proliferation in International Law provides scholarly research articles with critical commentaries on relevant treaty law best practice and legal developments thus offering an academic analysis and information on practical legal and diplomatic developments both globally and regionally It sets a basis for further constructive discourse at both national and international levels Jonathan L. Black Branch is Chair of the ILA Committee on Nuclear Weapons Non Proliferation and Contemporary International Law and President and CEO of ISLAND The Foundation for International Society of Law and Nuclear Disarmament Dieter Fleck is Former Director International Agreements Member of the Advisory Board of the Amsterdam Center for International Law ACIL Rapporteur of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Contemporary International Law

International Law and the Proliferation of Weapons of Mass Destruction Daniel H. Joyner,2009-03-05 Proliferation of WMD technologies is by no means a new concern for the international community Indeed since the signing of the Nuclear Non proliferation Treaty in 1968 tremendous energies have been expended upon diplomatic efforts to create a web of treaties and international organisations regulating the production and stockpiling of WMD sensitive materials within states as well as their spread through the increasingly globalised channels of international trade to other states and non state actors However the intervention in 2003 by Western powers in Iraq has served as an illustration of the importance of greater understanding of and attention to this area of law as disagreements over its content and application have once again lead to a potentially destabilising armed intervention by members of the United Nations into the sovereign territory of another member state Other ongoing disputes between states regarding the character of obligations assumed under non proliferation treaty instruments and the effect of international organisations decisions in this area form some of the most contentious and potentially destabilising issues of foreign policy concern for many states This book provides a comprehensive analysis of international law and organisations in the area of WMD proliferation It will serve both as a reference for understanding the law as it currently exists in its political and economic context as well as an analysis of areas in which amendments to existing law and organisations are needed

Nuclear Non-Proliferation in International Law Jonathan L. Black-Branch,Dieter Fleck,2015-09-24 This second Volume in the book Series on Nuclear Non Proliferation in International Law discusses the legal interpretation and implementation of verification and compliance with the Treaty of the Non Proliferation of Nuclear Weapons 1968 the Comprehensive Nuclear Test Ban Treaty 1996 and the Treaty establishing the European Atomic Energy

Community EURATOM 1957 It specifically examines the question contested in recent academic writings whether the International Atomic Energy Agency IAEA is competent to verify not only the correctness but also the completeness of national declarations Topical legal issues of verification and its technical and political limits as well as peaceful settlement of disputes and countermeasures are discussed in depth The Series on Nuclear Non Proliferation in International Law provides scholarly research articles with critical commentaries on relevant treaty law best practice and legal developments thus offering an academic analysis and information on practical legal and diplomatic developments both globally and regionally It sets a basis for a further constructive discourse on the topic at both national and international levels A Third Volume to be published in Autumn 2016 will focus on legal issues of safety and security of the use of nuclear energy for peaceful purposes Jonathan L Black Branch is Professor of International Law Royal Holloway University of London a Member of Wolfson College Oxford Chairman of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation and Contemporary International Law Dieter Fleck is Former Director International Agreements Member of the Advisory Board of the Amsterdam Center for International Law ACIL Honorary President International Society for Military Law and the Law of War Rapporteur of the ILA Committee on Nuclear Weapons Non Proliferation and Contemporary International Law

Nuclear Non-Proliferation in International Law - Volume I Jonathan L. Black-Branch, Dieter Fleck, 2014-07-22 The volume discusses the legal interpretation and implementation of the three pillars of the Treaty of the Non Proliferation of Nuclear Weapons 1968 regarding the non proliferation of nuclear weapons the right to develop research production and use of nuclear energy for peaceful purposes and issues relating to nuclear disarmament It examines the status of international law regarding nuclear capacity considering competing legal approaches to the development of nuclear technology non proliferation disarmament and regulating nuclear weapons within a contemporary international context Nuclear Non-Proliferation in International Law - Volume V Jonathan L. Black-Branch, Dieter Fleck, 2020-01-02 This fifth volume in the book series on Nuclear Non Proliferation in International Law focuses on various legal aspects regarding nuclear security and nuclear deterrence The series on Nuclear Non Proliferation in International Law provides scholarly research articles with critical commentaries on relevant treaty law best practice and legal developments thus offering an academic analysis and information on practical legal and diplomatic developments both globally and regionally It sets a basis for further constructive discourse at both national and international levels Jonathan L Black Branch is Dean of Law and Professor of International and Comparative Law at the University of Manitoba in Canada a Bencher of the Law Society of Manitoba JP and Barrister England Barrister and Chair of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Member of the Advisory Board of the Amsterdam Center for International Law ACIL and Rapporteur of the International Law Association ILA Committee on Nuclear Weapons Non Proliferation Contemporary International Law

Nuclear Weapons and International Law Charles J. Moxley, 2024-05-15 This book analyzes the facts and law as to nuclear

weapons and the policy of deterrence It demonstrates that such weapons cannot lawfully be used and that the policy of deterrence is risky and unlawful It urges that the U S take the lead in delegitimizing these weapons and seeking abolition

Legal Resolution of Nuclear Non-Proliferation Disputes James D. Fry,2013-12-19 How viable is the resolution of nuclear non proliferation disputes through the International Court of Justice and international arbitration James Fry examines the compromissory clauses in the IAEA Statute IAEA Safeguards Agreements and the Convention on the Physical Protection of Nuclear Material that give jurisdiction to these fora and analyses recent jurisprudence to demonstrate how legal resolution can handle such politically sensitive disputes In sum legal resolution of nuclear non proliferation disputes represents an option that States and commentators have all too often ignored The impartiality and procedural safeguards of legal resolution should make it an acceptable option for target States and the international community especially vis vis the procedural shortcomings and general heavy handedness of Security Council involvement under UN Charter Chapter VII

Maritime Counterproliferation Operations and the Rule of Law Craig H. Allen,2007-06-30 Allen examines the maritime counterproliferation activities of nations participating in the Proliferation Security Initiative as set out in their Statement of Interdiction Principles He explains the framework for conducting maritime interception activities examines the importance of intelligence to PSI operations and assesses the legal issues raised by those operations The threat of WMD use by terrorist groups and rogue regimes has added new urgency to global security discussions Responses to the dangers posed by WMD include the nonproliferation regime safeguards for WMD materials while in transit export controls treaties on terrorism Security Council resolutions and the new Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation The existing nonproliferation regime will never by itself provide an adequate level of security As a result risk management strategies must include layered counterproliferation activities and consequence management Counterproliferation measures may include maritime interdictions The Proliferation Security Initiative a cooperative undertaking launched in 2003 provides a framework for those interdictions The framework was formalized in the Statement of Interdiction Principles After providing an overview of the threats posed by WMD proliferation this book surveys the nonproliferation regime and counterproliferation measures states have adopted to supplement it It next provides an overview of maritime interception operations and the intelligence issues surrounding them before turning to the laws governing such operations It then examines each of the actions described in the PSI Statement of Interdiction Principles to assess their compliance with applicable laws Finally it looks at the laws that establish the responsibility of states for taking unwarranted counterproliferation actions against vessels

Legal Aspects of Planetary Defence Irmgard Marboe,2021-09-27 Winner of the 2022 International Academy of Astronautics IAA Social Sciences Book Award Impacts by asteroids or comets on Earth may lead to natural disasters of catastrophic dimensions one of the most devastating having caused the extinction of the dinosaurs 66 million years ago Space agencies and other actors are increasingly dedicated to the development of technology

to predict and mitigate such risks This book addresses legal and policy aspects of planetary defence activities aiming at the mitigation of Near Earth Objects NEO impact threats These include responsibility and liability for damage caused by such activities or their failure as well as international cooperation and possible decision making processes Nuclear Proliferation and International Security Sverre Lodgaard, Bremer Maerli, 2007-06-11 The Nuclear Non Proliferation Treaty has long been key in non proliferation and disarmament activities The Treaty is the major international legal obstacle for states seeking nuclear weapon capabilities In retrospect and despite setbacks the overall impact of the Nuclear Non Proliferation Treaty has been significant and gratifying Its continued success is by no means guaranteed As old nuclear dangers persist and new ones evolve policies to halt nuclear proliferation are more disparate than at any other time Nuclear weapons remain an essential part of the security policies of leading states and many developmental states maintain strong nuclear weapon ambitions while terrorists have actively been seeking nuclear capabilities In search of an overarching strategy that recognizes both the flaws of the existing non proliferation regime and the value of some of the corrections proposed by regime critics this volume assesses contemporary efforts to stem nuclear proliferation In doing so Nuclear Proliferation and International Security examines a number of cases with a view to recommending better non proliferation tools and strategies The contributors comprise renowned international scholars who have been selected to obtain the best possible analyses of critically important issues related to international non proliferation dynamics and the future integrity of the Non Proliferation Treaty India and International Law: Introduction Bimal N. Patel, 2008 India and International Law volume 2 examines India's policy and practical approach to modern and emerging subjects such as energy investment sports banking biotechnology taxation water courses feminism air law and role of India in UN reforms The most discussed interlinked issues of civilian nuclear energy and nuclear weapons are analysed in two separate chapters This volume also examines legal challenges and offers possible solutions in the area of private international law which hopefully would serve the purposes of relevant policy makers judiciary common men and women and 2.5 million Non Resident Indians NRIs India and International Law volume 2 will enable the readers to realize the sheer magnitude of legal challenges faced by India hence one way forward is to consider some of the suggestions offered by the authors It is hoped that these two volumes will provide a useful framework for similar studies and will remain a must source of consultation for those who are interested in India's state practice on international law *National Security Issues in Science, Law, and Technology* Thomas A. Johnson, 2007-04-16 Using the best scientific decision making practices this book introduces the concept of risk management and its application in the structure of national security decisions It examines the acquisition and utilization of all source intelligence and addresses reaction and prevention strategies applicable to chemical biological and nuclear weapons agricultural terrorism cyberterrorism and other potential threats to our critical infrastructure It discusses legal issues and illustrates the dispassionate analysis of our intelligence law enforcement and military operations and actions The book also

considers the redirection of our national research and laboratory system to investigate weapons we have yet to confront

Research Handbook on International Arms Control Law Eric P.J. Myjer,Thilo Marauhn,2022-12-06 This Research Handbook provides a broad yet detailed treatment of international arms control law It takes stock of existing arms control agreements addresses current challenges and aims to indicate avenues for the future development of this distinct branch of public international law

Naval Law Review ,2005

Human Flourishing: The End of Law W. Michael Reisman,Roza Pati,2023-10-09 This rich volume is an homage to the significant impact Professor Siegfried Wiessner has had on scholarship and practice in many areas of international and domestic law Reflecting the depth and breadth of his writings it is a collection of thought provoking original essays exploring topics as diverse as theory about law human rights the rights of indigenous peoples the rule of law constitutional law the rights of migrants international investment law and arbitration space law the use of force and many more all integrated by the problem and policy oriented framework of what has come to be known as the New Haven School Its title Human Flourishing The End of Law reflects the conviction that the purpose of law ought to be to allow humans to achieve their full potential to thrive and develop both materially and spiritually under the law The volume contributes to a vision of the law as a public order in which the common interest is clarified and implemented peacefully and offers a source of inspiration for scholars and practitioners working towards such an order of human dignity

Law and Practice of the United Nations Simon Chesterman,Ian Johnstone,David M. Malone,2016-03-01 Law and Practice of the United Nations Documents and Commentary combines primary materials with expert commentary demonstrating the interaction between law and practice in the UN organization as well as the possibilities and limitations of multilateral institutions in general Each chapter begins with a short introductory essay describing how the documents that ensue illustrate a set of legal institutional and political issues relevant to the practice of diplomacy and the development of public international law through the United Nations Each chapter also includes questions to guide discussion of the primary materials and a brief bibliography to facilitate further research on the subject This second edition addresses the most challenging issues confronting the United Nations and the global community today from terrorism to climate change from poverty to nuclear proliferation New features include hypothetical fact scenarios to test the understanding of concepts in each chapter This edition contains expanded author commentary while maintaining the focus on primary materials Such materials enable a realistic presentation of the work of international diplomacy the negotiation interpretation and application of such texts are an important part of what actually takes place at the United Nations and other international organizations This work is ideal for courses on the United Nations or International Organizations taught in both law and international relations programs

Handbook of Governance and Security James Sperling,2014-08-29 The Handbook is divided into four sections which examine in turn the emergence evolution and forms of security governance as well as the theoretical orientations that have so far dominated the literature networks multilateralism regimes and sy

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Relations Through ... United States,2008

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