

CHAPTER FIFTEEN RADIATION CONTROL

Introduction and Summary

I. NUCLEAR ENERGY

A. International Instruments and Other Documents

1. **Treaties**

Convention Concerning the Protection of Worker Against Ionizing Radiations (Geneva), done 22 June 1960, 431 United Nations Treaty Series 41 (ILO Convention No. 139).

Convention on Third Party Liability in the Field of Nuclear Energy (Paris), done 29 July 1960, reprinted in, 55 American Journal of International Law 1082 (1961).

Convention on the Liability of Operators of Nuclear Ships (Brussels), done 25 May 1962, reprinted in, 57 American Journal of International Law 268 (1963).

Convention on Civil Liability for Nuclear Damage (Vienna), done 21 May 1963, and 1976 and 1984 related Protocols, reprinted in, 2 International Legal Materials 727 (1963); 1976 Protocol, reprinted in 19 International Protection of the Environment: Multilateral Treaties 9443; 1984 Protocol, reprinted in, International Environmental Law: Multilateral Agreements 969:88/A.

Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material (Brussels), done 17 December 1971, 974 United Nations Treaty Series 255, reprinted in, 11 International Legal Materials 277 (1972).

Convention on the Physical Protection of Nuclear Material (Vienna), done 26 October 1979.

IAEA Convention on Early Notification of a Nuclear Accident or Radiological Emergency (Vienna), done 26 September 1986, reprinted in 25 International Legal Materials 1370 (1986).

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Vienna), done 26 September 1986, reprinted in 25 International Legal Materials 1377 (1986).

2. **United Nations Resolutions and Documents**

----- THE INTERNATIONAL LAW OF NUCLEAR ENERGY: BASIC DOCUMENTS, MOHAMED M. EL BARADEI, EDWIN I. NWOGUGU, JOHN R. RAMES, EDS. (Dordrecht/Boston/London: Martinus Nijhoff, 1993).

United Nations General Assembly, Establishment of the Scientific Committee on the Effects of Atomic Radiation, G.A. Res. 913(X)(3 December 1955), reprinted in, International Protection of the Environment: Multilateral Treaties 13:6517.

Strengthening of International Cooperation and coordination of Efforts to Study, Mitigate and Minimize the Consequences of the Chernobyl Disaster, Report of the Secretary-General, U.N. Doc. A/47/322/E/1991/102 (15 July 1992).

B. Texts, Treatises & Anthologies

A.O. Adede, The IAEA Notification and Assistance Conventions in Case of Nuclear Accident: Landmarks in the Multilateral Treaty-Making Process (London: Graham & Trotman, 1987).

F. Berkhout, Radioactive Waste: Politics and Technology (London: Routledge, 1991).

----- Chernobyl: Law and Communication - Transboundary Nuclear Air Pollution: The Legal Materials, P. Sands, ed. (Grotius Pub. 1988).

----- **Environmental Contamination by Radioactive Materials** (IAEA 1969).

F. Frankena & J. Frankena, International Policy, Politics and Regulation of Radioactive Waste Disposal: A Bibliography (Monticello, IL: Vance Bibliographies, 1991).

Vanda Lamm, The Utilization of Nuclear Energy and International Law (Budapest: Akademiai Kiado, 1984).

International Atomic Energy Agency, Bilateral, Regional and Multilateral Agreements Relating to Co-Operation in the Field of Nuclear Safety (Vienna: IAEA Legal Series No. 15, 1990).

----- International Harmonization in the Field of Nuclear Energy Law, N. Pelzer, ed. (1986).

Z.A. Medvedev, The Legacy of Chernobyl (Oxford: Basil Blackwell, 1990).

E. Moise, International Regulations on Radioactive and Toxic Wastes: Similarities and Differences (Paris: OECD/NEA, 1991).

----- Nuclear Energy After Chernobyl, Peter Cameron, Leigh Hancher & Wolfgang Kubn, eds. (London/Dordrecht/Boston: Graham & Trotman/International Bar Assn., 1988).

Nuclear Energy Agency, The Regulation of Nuclear Trade[:]
Nonproliferation - Supply - Safety (Paris: OECD, 1988).

----- Nuclear Law for a Developing World (IAEA Legal Series No. 5, 1969).

----- Nuclear Legislation: Third Party Liability (Paris: OECD/NEA, 1990).

OECD/NEA, Licensing Systems and Inspection of Nuclear Installations (Paris: OECD 1991).

L. Scheinmann, The International Atomic Energy Agency and World Nuclear Order (1987).

B.N. Schiff, International Nuclear Technology Transfer: Dilemmas of Dissemination and Control (1984).

P. Sands, The International Law of Liability for Transboundary Nuclear Pollution: The Existing Regime, Its Deficiencies, and A Framework for a New Regime (Report for Greenpeace International, August 1989).

Sharpar & Reyners, The Nuclear Third Party Liability Regime in Western Europe: The Test of Chernobyl (1987).

P. Szasz, The Law and Practice of the International Atomic Energy Agency (1970).

C. Periodic Literature, Essay & Opinion

Andronico O. Adede, Toward a Convention for the Settlement of International Claims Arising from Transboundary Nuclear Pollution Damage, 11 International Environment Reporter 351 (1988).

Andronico O. Adede, Overview of Legal and Technical Aspects of Nuclear Accident Pollution, in International Law and Pollution 129, D. Magraw, ed. (Univ. Penn. 1991).

Adede & Phuong, Status, Prospects and Possibilities of International Harmonization of Nuclear Law: Perception from the Standpoint of a Worldwide International Organization, in International Harmonization in the Field of Nuclear Energy Law 563, N. Pelzer, ed. (1986).

Agu, Technical Basis of Regulatory Measures for Radiation Protection, in Nuclear Law for a Developed World 209 (IAEA Legal Series, No. 5, 1969).

American Society of International Law - Panel Discussion, Nuclear Nonproliferation - Law and Policy, 77 American Society of International Law Proceedings 77 (1982).

American Society of International Law - Panel Discussion, International Regulation of Nuclear Energy, 73 American Society of

International law Proceedings 158 (1979).

Anon, Development and Harmonization of Intervention Levels in Case of a Nuclear Accident, Nuclear Law Bulletin 10 (No. 45, June 1990).

Anspaugh, Catlin & Golfman, The Global Impact of the Chernobyl Reactor Accident, 242 Science 1513 (1988).

Asselstine, The Future of Nuclear Power After Chernobyl, 6 Virginia Journal of Natural Resources Law 239 (1987).

Dennis B. Atchley, Air Transportation of Radioactive Materials and Passenger Protection under International Law, 5 California Western International Law Journal 425 (1975).

George N. Barrie, International Law and the Civil Use of Nuclear Energy, 2 South African Yearbook of International Law 97 (1976).

Jillian Barron, After Chernobyl: Liability for Nuclear Accidents Under International Law, 25 Columbia Journal of Transnational Law 647 (1987).

Bathurst, Legal Aspects of the International Control of Atomic Energy, 24 British Yearbook of International Law 1 (1948).

Berman & Hydeman, International Control of the Safety of Nuclear Powered Merchant Ships, 59 Michigan Law Review 233 (1960).

Billingsly, Private Party Protection Against Transnational Radiation Pollution Through Compulsory Arbitration: A Proposal, 14 Case Western Reserve Law Journal 339 (1972).

Marcel Biotex, Nuclear Energy, Ecology and Chernobyl, 123 Public Utilities Fortnightly 28 (16 March 1989).

Marlowe J. Blake, Floating Nuclear Plants: A 'Reasonable Use' of the High Seas, 8 California Western International Law Journal 191 (1978).

Hans Blix, Nuclear Safety, Environment and Non-Proliferation, 39 Vereinte Nationen und Osterreich 10 (No. 1/2, 1990).

Hans Blix, The Role of the IAEA in the Development of International Law, 58 Nordic Journal of International Law 231 (1989).

Hans Blix, International Cooperation in the Nuclear Field, International Affairs (Moscow) 31 (No. 8, Aug. 1990).

H. Blix, International Law and the Nuclear Fuel Cycle, 56 The Australian Quarterly 163 (1984).

H. Blix, The Chernobyl Reactor Accident: The International Significance and the Results, [1987] World Armaments and

Disarmament: Stockholm International Peace Research Institute Yearbook 425.

Sonja Boehmer-Christiansen, An End to Radioactive Waste Disposal at Sea?, 10 Marine Policy 119 (1986).

Alan E. Boyle, Nuclear Energy and International Law: An Environmental Perspective, 60 British Yearbook of International Law, 257 (1990).

Boyle, Chernobyl and the Development of International Environmental Law, in Perestroika and International Law 203, Butler, ed. (1990).

J.M. Brewers & C.J.R. Garrett, Analysis of the Issues Related to Sea Dumping of Radioactive Wastes, 11 Marine Policy 105 (1988).

P.D. Cameron, Nuclear Safety After Chernobyl: The Role of International Law, 1 Leiden Journal of International Law 121 (1988).

P.D. Cameron, The Vienna Conventions on Early Notification and Assistance, in Nuclear Energy Law After Chernobyl 19, Cameron, Hancher & Kuhn, eds. (1988).

P.D. Cameron & L. Hancher, After Chernobyl: Has Anything Really Changed?, in Nuclear Energy Law After Chernobyl 179, Cameron, Hancher & Kuhn, eds. (1988).

Cavers, International Cooperation in the Peaceful Uses of Atomic Energy, 12 Vanderbilt Law Review 17 (1958).

Joseph P. Chamberlain, Legal Implications of International Control of Atomic Energy, 40 American Society of International Law Proceedings 89 (1946).

S. Cigoj, International Regulation of Civil Liability for Nuclear Risk, 14 International and Comparative Law Quarterly 809 (1965).

S.F. Clayton, The International Atomic Energy Agency: An Expanding Role in the Post-Chernobyl World, 12 North Carolina Journal of International Law and Commercial Regulation 269 (1987).

Cohen, Toward a Responsible Use of Nuclear Power in Outer Space - The Canadian Initiative in the United Nations, 6 Annals of Air and Space Law 461 (1981).

M.A. Conant & M. Willrich, The International Atomic Energy Agency: An Interpretation and Assessment, 71 American Journal of International Law 199 (1977).

A. Conway, Wise Men's Lessons from Chernobyl, 372 Atom 14 (1987).

Curlee, Regulation of Radiation and Radioactive Material, 31 Air

Force Law Review 69 (1989).

Anthony D'Amato & Kirsten Engle, State Responsibility for the Exportation of Nuclear Power Technology, 74 Virginia Law Review 1011 (1988).

R. Davies, The Effect of the Accident at Chernobyl upon the Nuclear Community, 11 Science, Technology and Human Values 59 (1986).

W. Jackson Davis & Jon M. Van Dyke, Dumping of Decommissioned Nuclear Submarines at Sea: A Technical and Legal Analysis, 14 Marine Policy 467 (1990).

Daw, Agency Standards and Codes of Practice Relevant to Radioactive Contamination of a Public Environment, in Environmental Contamination by Radioactive Materials 221 (IAEA Legal Series No. 5, 1969).

De La Fuente, The Legal Force of International Rules Relating to Nuclear Risks, 30 Nuclear Law Bulletin 47 (1982).

A.J. De Yturriaga, Disposal of Nuclear Wastes into the Sea, in The Future of the International Law of the Environment 371, R.J. Dupuy, ed. (Dordrecht, 1985).

Dominique De Stoop, Pollution from Nuclear Activities, [1991] Australian National University International Law Weekend - Proceedings 26.

Michael Dobbs, Five Years On, Soviets Grasp Scale of Chernobyl Tragedy, Guardian Weekly, Week ending 5 May 1991, at 17, col. 1 (Vol. 144, No. 18).

J.R. Eiser & J. Van Der Pligt, Nuclear Energy: Beliefs, Values and Acceptability, 10 Interdisciplinary Science Reviews 147 (1985).

J.M. Elliot, Environmental Aspects of Nuclear Power, 4 Urban Lawyer 33 (1972).

David Fairhall, Danger Blowing in the Wind, Guardian Weekly, Week ending 29 March 1992, at 1, col. 1 (vol. 146, no. 13).

Jacques de la Ferte, A New Role for Nuclear Energy?, OECD Observer 20 (No. 170, June/July 1991).

Fischer, Chernobyl: The International Response, 43 Bulletin of the Atomic Scientists 46 (Aug/Sept 1986).

C. Flavin, Nuclear Safety After Chernobyl, 21 Environmental Science and Technology 624 (1987).

Karen Franklin, It's Only Plutonium, 55 The Progressive 15 (No. 10, Oct. 1991).

Alfred Friendly, We Ignore Chernobyl's Cousins at the World's Risk, International Herald Tribune at 10, col. 3 (15 May 1992).

Walter T. Gangl, The Jus Cogens Dimensions of Nuclear Technology, 13 Cornell International Law Journal 63 (1980).

Ginsberg, The Soviet Union and International Cooperation in the Peaceful Use of Atomic Energy, 54 American Journal of International Law 605 (1960).

Alexander Ginzburg, Project Eurochernobyl: What is it? Thirty-ninth Pugwash Conference on Science and World Affairs 402 (1990).

L.F.E. Goldie, Pollution from Nuclear Accidents, in International Law and Pollution 196, D. Magraw, ed. (Univ. Penn. 1991).

Lodewijk H.J.B. van Gorkom, Nuclear Accidents: Two Conventions Through Effective IAEA Action after Chernobyl, in Effective Negotiation: Case Studies in Conference Diplomacy 146 (Dordrecht: Martinus Nijhoff, 1989).

Gunther Handl, Paying the Piper for Transboundary Nuclear Damage: State Liability in a System of Transnational Compensation, in International Law and Pollution 150, D. Magraw, ed. (Univ. Penn. 1991).

Gunther Handl, Transboundary Nuclear Accidents: The Post Chernobyl Multilateral Legislative Agenda, 15 Ecology Law Quarterly 203 (1988).

G. Handl, An International Legal Perspective on the Conduct of Abnormally Dangerous Activities in Frontier Areas: The Case of Nuclear Power Plant Siting, 7 Ecology Law Quarterly 1 (1978).

G. Handl, Managing Nuclear Wastes: The International Connection, Natural Resources Journal 267 (1981).

Hardy, International Protection Against Nuclear Risks, 10 International and Comparative Law Quarterly 739 (1961).

Hardy, The Atom at Sea: International Law and Nuclear Shipping, JAG Journal 9 (April 1959).

Victoria Hartke, The International Fallout from Chernobyl, 5 Dickenson Journal of International Law 319 (1987).

Hasselmann, Do We Need New IAEA Safeguards?, 27 German Yearbook of International Law 259 (1984).

Michael Heller, Chernobyl Fallout: Recent IAEA Conventions Expand Transboundary Nuclear Pollution Law, 23 Stanford Journal of International Law 651 (1978).

Fred Hiatt, Just as Dangerous as Missiles, Guardian Weekly, Week ending 5 April 1992, p. 18 (vol. 146, no. 14).

Todd Howland, Chernobyl and Acid Rain: An Analysis of the Failure of European Cooperation to Protect the Shared Environment, 2 Temple International and Comparative Law Journal 1 (1987).

H. Inhaber, Is Solar Power more Dangerous than Nuclear?, 21 International Atomic Energy Agency Bulletin 11 (1979).

International Atomic Energy Agency, Principles for Limiting Releases of Radioactive Effluents into the Environment, Nuclear Law Bulletin (No. 77, 1986).

J.W. Jeffery, The Collapse of Nuclear Power, 19 Energy Policy 418 (No. 5, 1991).

G. Johnson, Paradise Lost, Bulletin of the Atomic Scientists 24 (December 1980).

John W. Kindt, Floating Nuclear Power Plants: U.S. and International Regulations, 7 Marine Policy 90 (1983).

Oleg S. Kolbasov, Ecological Disaster Area: The Chernobyl Case Study, 19 Boston College Environmental Affairs Law Review 637 (1992).

Vladimir Kopal, The Use of Nuclear Power Sources in Outer Space: A New Set of United Nations Principles?, 19 Journal of Space Law 103 (1991).

B. Kunth, International Aspects of Nuclear Installations Licensing, 5 Journal of Energy and Natural Resources Law 202 (1987).

B. Kwiatkowska, Aspects of Nuclear Energy Law, 11 Environmental Policy and Law 98 (1983).

Tahirih V. Lee, The Effect of Chadha on the Creation of Nuclear Cooperation Agreements: The United States-China Agreement on Nuclear Energy, 2 Emory Journal of International Dispute Resolution 73 (1987).

Lellouche, International Nuclear Politics, 58 Foreign Affairs 336 (1979-80).

Richard E. Levy, International Law and the Chernobyl Accident: Reflections on an Important but Imperfect System, 36 University of Kansas Law Review 81 (1987).

Linda Malone, The Chernobyl Accident: A Case Study in International Law Regulating State Responsibility for Transboundary Nuclear Pollution, 12 Columbia Journal of Environmental Law 203 (1987).

Angelo Miatello, International Responsibility for the Use of Nuclear Energy, in United Nations Codification of State Responsibility 287, M. Spinedi & B. Simma, eds. (New York/London/Rome: Oceana, 1987).

Evdoki Moise, International Regulations on Radioactive and Toxic Wastes: Similarities and Differences, Nuclear Law Bulletin 10 (No. 47, June 1991).

Morris & Kindt, The Law of the Sea: Domestic and International Considerations Arising From the Classification of Floating Nuclear Power Plants and Their Backwaters as Artificial Islands, 19 Virginia Journal of International Law 299 (1979).

Jan Murray, Can Nuclear Energy Contribute to Slowing Global Warming?, 18 Energy Policy 494 (July/Aug, 1990).

Roda Mushkat, The Daya Bay Nuclear Plant Project in the Light of International Law for Environmental Pollution, 7 UCLA Pacific Basin Law Journal 87 (1990).

Jean-Baptiste Naudet, Bulgaria's Dangerous Nuclear Power Station, Guardian Weekly, Week ending 4 August 1991, at 15, col. 1 (Vol. 145, No. 5).

Note, After Chernobyl: Liability for Nuclear Accidents Under International Law, 25 Columbia Journal of Transnational Law 647 (1987).

Note, Compensating Damage Arising from Global Nuclear Accidents, 10 Loyola of Los Angeles International and Comparative Law Journal 241 (1988).

Note, The 1962 Brussels Convention on the Liability of Operators of Nuclear Ships, 57 American Journal of International Law 100 (1963).

Note, International Cooperation in the Field of Radioactive Transfrontier Pollution, 14 Nuclear Law Bulletin 55 (1974).

Note, Jus Cogens Dimensions of Nuclear Technology, 13 Cornell International Law Journal 63 (1980).

Note, The IAEA: An Expanding Role in the Post-Chernobyl World, 12 North Carolina Journal of International Law and Commercial Regulation 269 (1987).

Note, Nuclear Energy Safety: Convention on Early Notification of a Nuclear Accident or Radiological Emergency, 28 Harvard International Law Journal 558 (1987).

OECD Secretariat, International Cooperation in the Field of Radiative Transfrontier Pollution, Nuclear Law Bulletin 55 (No. 14, 1974).

OECD Secretariat, International Conventions Relating to Radioactive Marine Pollution, Nuclear Law Bulletin ____ (No. 13, ____).

OECD Secretariat, Compensation for Nuclear Damage, Nuclear Law Bulletin 50 (No. 20, 1977).

OECD/NEA Secretariats, The Accident at Chernobyl - Economic Damage and Its Compensation in Western Europe, 39 Nuclear Law Bulletin 58 (1987).

John G. Palferry, Energy and the Environment: The Special Case of Nuclear Power, 74 Columbia Law Review 1375 (1974).

Walt Patterson, The Fire that Burned the World, Guardian Weekly, Week ending 12 May 1991, at 28, col. 1 (Vol. 144, No. 19).

Norbert Pelzer, Power Safety (Siting, Operational Standards, Contingency Planning, Emergency Assistance) and Transboundary Carriage of Nuclear Material, 2 Yearbook of International Environmental Law 151 (1991).

N. Pelzer, The Impact of the Chernobyl Accident on Nuclear Energy Law, 25 Archiv des Volkerrechts 294 (1987).

N. Pelzer, Current Problems of Nuclear Liability in the Post Chernobyl Period - A German Standpoint, 39 Nuclear Law Bulletin 66 (June 1987).

N. Pelzer, Concepts of Nuclear Liability Revisited: A Post-Chernobyl Assessment of the Paris and Vienna Conventions, in Nuclear Energy Law After Chernobyl 97, Cameron, Hancher & Kuhn, eds. (1988).

N. Pelzer, The Nature and Scope of International Cooperation in Connection with the Peaceful Uses of Nuclear Energy, and its Limits - and Assessment, Nuclear Law Bulletin ____ (No. 27, ____).

Mauro Politi, The Impact of the Chernobyl Accident on the States' Perception of International Responsibility for Nuclear Damage, in International Responsibility of Environmental Harm 473, F. Francioni & T. Scovazzi, eds. (1991).

Politi, International and Civil Liability for Nuclear Damage: Some Recent Developments of State Practice, in La reparation des dommages catastrophiques majeurs en droit international et en droit communautaire, XIIIes Journees d'etudes Jean Dabin 149 (1988).

William C. Potter, The Impact of Chernobyl on Nuclear Power Safety in the Soviet Union, 24 Studies in Comparative Communism 191 (1991).

Qizhi, Towards a New Legal Regime for the Use of Nuclear Power

Sources in Outer Space, 14 Journal of Space Law 95 (1986).

B. Ramberg, Learning From Chernobyl, 65 Foreign Affairs 304 (1986).

Patrick Reyners, Nuclear Waste Management, 2 Yearbook of International Environmental Law 156 (1991).

Reyners & Lellouche, Regulation and Control by International Organizations in the Context of a Nuclear Accident: The International Atomic Energy Agency and the OECD Nuclear Energy Agency, in Nuclear Energy Law After Chernobyl 1, Cameron, Hancher & Kuhn, eds. (1988).

Rich, Chernobyl: The International Dimension, 42 World Today 186 (No. 11, 1986).

Victoria Riess-Hartke, The International Fallout From Chernobyl, 1 Dickinson Journal of International Law 5 (1987).

Peter Riley, The Legal Control of Nuclear Energy Between States, 21 California Western International Law Journal 303 (1991).

Rose & Lester, Nuclear Power, Nuclear Weapons and International Stability, 238 Scientific American 45 (April 1978).

Rubin, Soviet Nuclear Disaster and the Law, 35 International Practitioner's Notebook 8 (1986).

Scott Saleska, Hanford Cleanup: Explosive Solution, 46 Bulletin of the Atomic Scientists 14 (Oct. 1990).

Philippe J. Sands, Transboundary Nuclear Pollution: International Legal Issues, in Chernobyl: Law and Communication 1, P. Sands, ed. (1988).

Lawrence Scheinman, Nuclear Safeguards, the Peaceful Atom, and the IAEA, International Conciliation (No. 572, March 1969).

Gabriel Schoenfeld, The Soviet Union: Rad Storm Rising, 226 The Atlantic 44 (No. 6, Dec. 1990).

Glenn T. Seaborg, Justin L. Bloom & Emil L. Nelson, Nuclear and Other Energy, 216 Annals of the New York Academy of Sciences 79 (1973).

Ignaz Seidl-Hohenveldern, [The Conventions on Notification and Assistance in the Case of a Nuclear Accident], 1 Lieden Journal of International Law 212 (1988).

Shapar & Reyners, Nuclear Third Party Liability: The Challenge of Chernobyl, 32 Nuclear Engineering International 25 (1987).

Seth Shulman, Nuclear Power: The Dilemma of Decommissioning, 20

Smithsonian 56 (No. 7, Oct. 1989).

Paul Sieghart, Nuclear Power and Human Rights, International Commission of Jurists Review 49 (No. 18, June 1977).

St. George, International Operational Regulations and the Nuclear Powered Ships, JAG Journal 20 (April 1959).

Michael Straubel, Space Borne Nuclear Power Sources - The Status of Their Regulation, 20 Valparaiso University Law Review 187 (1986).

P. Strohl, Regulating New Technologies: Lessons from Nuclear Energy, 151 OECD Observer 17 (1988).

John Sullivan, The Export Exemption of Executive Order 12,114 and the Nuclear Regulatory Commission's Role in Nuclear Licensing, 6 Association of Student International Law Societies International Law Journal 43 (1982).

P.C. Szasz, The Convention on the Liability of Operators of Nuclear Ships, 2 Journal of Maritime Law and Commerce 541 (1971).

P.C. Szasz, The Law and Practices of the IAEA, 7 International Atomic Energy Legal Series 716 (1970).

P.C. Szasz, Measuring Liability for Damage Due to Radioactivity, in International Law and Pollution 175, D. Magraw, ed. (1991).

Mark J. Valencia, Japanese Plutonium Raises a Nuclear Scare at Sea, International Herald Tribune July 14, 1992, at 4, col. 3.

von Busekist, A Bridge Between Two Conventions on Civil Liability for Nuclear Damage: The Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention, 43 Nuclear Law Bulletin (July 1989).

Weinberg, Social Institutions and Nuclear Energy, 177 Science 27 (1972).

Williams, International Liability for Nuclear Pollution, 12 Syracuse Journal of International Law and Commerce 185 (1985).

Mason Willrich, Safeguarding Atoms for Peace, 60 American Journal of International Law 34 (1966).

John Woodliffe, International Law, Nuclear Pollution and the Environment: The United Kingdom Experience, in Perestroika and International Law: Current Anglo-Soviet Approaches to International Law 208, A. Carty & G. Danilenko, eds. (1990).

J.C. Woodliffe, Offshore Nuclear Power Stations: Putting Pressure on the Law of the Sea, 3 International Journal of Estuarine and Coastal Law 138 (1988).

J.C. Woodliffe, Radiological Discharges, 5 International Journal of Estuarine and Coastal Law 300 (1990).

II. NUCLEAR WEAPONS

A. International Instruments and Other Documents

1. **Treaties**

Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Moscow), done 5 August 1963, 480 United Nations Treaty Series 43.

Treaty for the Prohibition of Nuclear Weapons in Latin America (Tlatelolco), done 14 February 1967, 634 United Nations Treaty Series 281, reprinted in, 6 International Legal Materials 521 (1967).

Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and the Subsoil Thereof (London, Moscow, Washington), done 18 May 1972.

South Pacific Nuclear-Free Zone Treaty (Rarotonga) 8 August 1985, reprinted in 24 International Legal Materials 1440 (1985).

2. United Nations Documents

Review of the Implementation of the Recommendations and Decisions Adopted by the General Assembly at its Tenth Special Session: Climatic Effects of Nuclear War, Including Nuclear Winter, U.N. Doc. A/43/351 (5 May 1988).

B. Texts, Treatises & Anthologies

Julie Dahlitz, Nuclear Arms Control With Effective International Agreements (Melbourne: McPhee Gribble Publisher, 1983).

----- The Denuclearization of the Oceans, R.B. Byers, ed. (New York: St. Martin's Press, 1986).

Hisakazu Fujita, International Regulation of the Use of Nuclear Weapons (Osaka: Kansai University Press, 1988).

M. Harwell & T. Hutchinson, Environmental Consequences of Nuclear War (1985).

Harold K. Jacobsen & Eric Stein, Diplomats, Scientists and Politicians: The Nuclear Test Ban Negotiations (Univ. Michigan 1966).

A.M. Kuzin, Nuclear Explosions: A World-Wide Hazard (Foreign Language Publishing House 1959).

Elliott L. Meyrowitz, Prohibition of Nuclear Weapons: The Relevance of International Law (Dobbs Ferry, NY: Transnational Publishers, 1990).

----- Nuclear Weapons and International Law, Istvan Pogany, ed. (Aldershot/Brookfield/Hong Kong/Singapore/Sydney: Avebury, 1987).

----- Nuclear Weapons and Law, Arthur S. Miller & Martin Feinrider, eds. (Westport/London: Greenwood Press, 1984).

----- Nuclear Non-Proliferation: An Agenda for the 1990s, J. Simpson, ed. (1987).

G. Schwarzenberger, The Legality of Nuclear Weapons (1958).

M.I. Shaker, The Nuclear Non-Proliferation Treaty: Origin and Implementation (1980).

Nagendra Singh & Edward McWhinney, Nuclear Weapons and Contemporary International Law (Dordrecht/Boston/London: Martinus Nijhoff Pub., 1989).

C. Periodic Literature, Essay & Opinion

David H. Albright, Turn Off at Rocky Flats, 46 Bulletin of the Atomic Scientists 12 (June, 1990).

D. Albright, The Danger of Military Reactors, 42 Bulletin of Atomic Scientists 44 (1986).

Almond, Nuclear Weapons are Legal Tools, Bulletin of the Atomic Scientists 32 (May 1985).

Michael D. Angiulo, Chinese Nuclear Tests and Transnational Radioactive Pollution, 3 Association of Student International Law Societies International Law Journal 63 (1979).

Anon, [Bikini] Seek[s] Damages from U.S. for "Loss of Country" [caused by A-Bomb Tests], 67 American Bar Association Journal 412 (1981).

A. Berg, Nuclear Test Cases, 2 Encyclopedia of Public International Law 166 (1983).

H. Bethe, K. Gottfried & R. McNamara, The Nuclear Threat: A Proposal, 38 New York Review of Books 48 (No. 12, 1991).

Richard Bilder, Nuclear Weapons and International Law, in Nuclear

Weapons and Law 3, A. Miller & M. Feinrider, eds. (1984).

Patricia Birnie, The Law of the Sea and Nuclear Weapons: Legal Aspects, in Nuclear Weapons and International Law 142, I. Pogany, ed. (1987).

John K. Bleimaier, Nuclear Weapons and Crimes Against Humanity Under International Law, 33 Catholic Lawyer 161 (1990).

P.A. Buttar, Contextual Syntax of International Instruments Safeguarding Against Nuclear Nonproliferation, 11 Australian Yearbook of International Law 141 (1984-87).

J.K. Bleimaier, Nuclear Weapons and Crimes Against Humanity Under International Law, 33 Catholic Lawyer 161 (1990).

Francis A. Boyle, Remarks on Citizen Initiatives under International Law, 82 American Society of International Law Proceedings 568 (1988).

B.S. Chimni, Nuclear Weapons and International Law: Some Reflections, in International Law in Transition: Essays in Memory of Judge Nagendra Singh 137, R. Pathak & R. Dhokalia, eds. (1992).

Ramsey Clark, Remarks on Citizen Initiatives under International Law, 82 American Society of International Law 559 (1988).

Comment, French Nuclear Tests: A Crisis for International Law, 4 Denver Journal of International Law and Policy 111 (1974).

David M. Corwin, The Legality of Nuclear Arms Under International Law, 5 Dickinson Journal of International Law 271 (1987).

Anthony D'Amato, The Legal Aspects of the French Nuclear Tests, 61 American Journal of International Law 66 (1967).

Rob Edwards, Nuclear Weapon 'Lost in Falklands,' Guardian Weekly, Week ending 29 Sept 1991 (Vol. 145, No. 13).

Daniel Ellsberg, A Manhattan Project II Against Nuclear Weapons, International Herald Tribune at 8, col. 3 (14 May 1992).

Richard Falk, Toward a Legal Regime for Nuclear Weapons, in Nuclear Weapons and Law 107, A. Miller & M. Feinrider, eds. (1984).

Falk, Meyerowitz & Sanderson, Nuclear Weapons and International Law, 20 Indian Journal of International Law 541 (1980).

Avigdor Feldman, Remarks on Citizen Initiatives under International Law, 82 American Society of International Law Proceedings 564 (1988).

Edwin B. Firmage, The Treaty on the Non-Proliferation of Nuclear

Weapons, 63 American Journal of International Law 711 (1969).

Fleiss, The Legality of Atmospheric Nuclear Tests - A Critical View of International Law in the Cold War, 15 University of Florida Law Review 21 (1962).

Seth Forman, Bravo's Fallout: International Law and Nuclear Pollution in the Pacific, 14 North Carolina Central Law Journal 172 (1983).

Sherman Frankel, Stopping Accidents After They've Happened, 46 Bulletin of the Atomic Scientists 39 (Nov. 1990).

David Freestone & Scott Davidson, Nuclear Weapon-Free Zones, in Nuclear Weapons and International Law 176, I. Pogany, ed. (1987).

Hisakazu Fujita, South Pacific Nuclear Free Zone Treaty, 8 Kansai University Review of Law and Politics 1 (1987).

Hisakazu Fujita, The Changing Role of International Law in the Nuclear Age: From Freedom of the High Seas to Nuclear-Free Zones, in Humanitarian Law of Armed Conflict: Essays in Honour of Frits Kalshoven 327 (Dordrecht: Martinus Nijhoff, 1991).

Gofman, The Existence of Nuclear Weapons: A Prime Environmental Threat, 1 Environmental Affairs 782 (1972).

Jozef Goldblat, NPT and Nuclear Weapon-Free Zones, 11 Arms Control 49 (May 1990).

L.F.E. Goldie, The Nuclear Test Cases: Restraints on Environmental Harm, 5 Journal of Maritime Law and Commerce 491 (1974).

David Gosling, India's Nuclear Explosion: Its Effect Upon Environment, 9 Economic and Political Weekly 1002 (1974).

Frank P. Grad, Consequences of Nuclear Weapons Use as Viewed by an Environmental Lawyer, in Nuclear Weapons and Law 387, A. Miller & M. Feinrider, eds. (1984).

Graham, The Duration of the Nuclear Non-Proliferation Treaty: Sudden Death or a New Lease on Life?, 29 Virginia Journal of International Law 661 (1989).

Nicholas Grief, The Legality of Nuclear Weapons, in Nuclear Weapons and International Law 53, I. Pogany, ed. (1987).

L.C. Green, Nuclear Weapons and the Law of Armed Conflict, 17 Denver Journal of International Law and Policy 1 (1988).

Greenpeace International, A Call for a Comprehensive Nuclear Test Ban (Submission to UNCED, PREPCOM III, 12 Aug - 4 Sept, 1991).

N. Grief, Nuclear Tests and International Law, in Nuclear Weapons and International Law 217, I. Pogany, ed. (1987).

Gerald F. Hyman, Citizen's Initiatives Under International Law, [1988] American Society of International Law Proceedings 555.

David Ignatius, Who Says Nuclear Deterrence Has Ceased to Work?, International Herald Tribune at 6, col. 3 (13 May 1992).

Homer A. Jack, Amending the Nuclear Test-Ban Treaty, 41 Review of International Affairs 12 (20 Sept. 1990).

H. Kissinger, Nuclear Testing and the Problem of Peace, 37 Foreign Affairs 1 (1958).

Lee, The Legality of Nuclear Tests and Weapons, [1968] Oesterreichische Zeitschrift fur Oeffentliches Recht 307.

Lellouch, International Nuclear Politics, 58 Foreign Affairs 336 (1979-80).

Paul Leventhal & Sharon Tanzer, Plutonium: Time for a Global Ban, International Herald Tribune p. 6 (15 January 1992).

M. Lippman, Nuclear Weapons and International Law: Towards a Declaration on the Prevention and Punishment of the Crime of Nuclear Humancide, 8 Loyola of Los Angeles International and Comparative Law Quarterly 183 (1986).

Lodgaard, Prospects for Nonproliferation, 22 Survival 161 (1980).

R. Macdonald & B. Hough, The Nuclear Test Case Revisited, 20 German Yearbook of International Law 337 (1977).

Emanuel Margolis, The Hydrogen Bomb Experiments and International Law, 64 Yale Law Journal 629 (1955).

N. Mateesco-Matte, The Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water (10 October 1963) and the Peaceful Uses of Outer Space, 9 Annals of Air and Space Law 391 (1984).

Alastair Mattheson, French Nuclear Testing and International Law, 24 Rutgers Law Review 144 (1969).

Myres S. McDougal, The Hydrogen Bomb Tests and the International Law of the Sea, 49 American Journal of International Law 356 (1955).

McDougal & Schlei, The Hydrogen Bomb Tests in Perspective: Lawful Measures for Security, 64 Yale Law Journal 648 (1955), reprinted in, Studies in World Public Order 775, McDougal & Associates, eds (1960).

Eric McFadden, Nuclear Weapons Free Zones: Towards an International Framework, 16 California Western International Law Journal 217 (1986).

Mercer, International Law and the French Nuclear Tests, New Zealand Law Journal 405 & 418 (Sept. 17, 1968 & Oct. 1, 1968).

Meyrowitz, The Status of Nuclear Weapons Under International Law, 38 Guild Practitioner 65 (1981).

Ved P. Nanda, Nuclear Weapons and the Right to Live in Peace under International Law, 9 Brooklyn Journal of International Law 283 (1983).

V.P. Nanda, Nuclear Weapons and the Right to Survival, Peace and Development, 19 Denver Journal of International Law and Policy 87 (1990).

V.P. Nanda & J.C. Lowe, Nuclear Weapons and the Ecology: Is International Law Helping to Address the Problem, 19 Denver Journal of International Law and Policy 87 (1990).

Christopher Paine & Thomas Cochran, So Little Time, So Many Weapons, So Much To Do, 48 Bulletin of the Atomic Scientists 12 (Jan/Feb. 1992).

A.B. Pittock, The Environmental Impact of Nuclear War: Policy Implications, 18 Ambio 367 (1989).

W.M. Reisman, Creating a Nuclear Free Zone Treaty that is True to Its Name: The Nuclear Free Zone Concept and a Model Treaty, 18 Denver Journal of International Law and Policy 209 (1990).

N.A. Robinson, The Treaty of Tlatelolco and the Latin American Nuclear Free Zone, 64 American Journal of International Law 282 (1970).

Carol A. Roehrenbeck, The Use of Nuclear Weapons Under International Law: An Annotated Bibliography, in Nuclear Weapons and Law 215, A. Miller & M. Feinrider, eds. (1984).

Rose & Lester, Nuclear Power, Nuclear Weapons and International Stability, 238 Scientific American 45 (April 1978).

Carl Sagan, Nuclear War & Climate Catastrophe: Some Policy Implications, 62 Foreign Affairs 257 (1983-84).

Schrag, Policy, Procedures and People: Governmental Response to a Privately Initiated Nuclear Test Monitoring Project as a Case Study in National Security Decision-Making, 21 New York University Journal of International Law and Politics 1 (1988).

Elgon Schwelb, The Nuclear Test Ban Treaty and International Law, 58 American Journal of International Law 646 (1964).

Malcolm Shaw, Nuclear Weapons and International Law, in Nuclear Weapons and International Law 1, I. Pogany, ed. (1987).

Shotwell, Blueprint for an Atomic Charter, Survey Graphic 255 (July 1946).

Symposium, Nuclear Weapons and the Right to Survival, Peace and Development, 19 Denver Journal of International Law and Policy 1-114 (1990).

Symposium, Nuclear Weapons Safety, 47 Bulletin of the Atomic Scientists 29-40 (April, 1991).

H.J. Taubenfeld, Nuclear Testing and International Law, 16 Southwestern Law Journal 365 (1962).

Elbert D. Thomas, Atomic Bombs in International Society, 39 American Journal of International Law 736 (1945).

Elbert D. Thomas, Atomic Warfare and International Law, 40 American Society of International Law Proceedings 89 (1946).

S.A. Tiewul, International Law and Nuclear Test Explosions on the High Seas, 8 Cornell International Law Journal 45 (1974).

M. Tolba, A. Westing & N. Polunin, The Environmental Imperative of Nuclear Disarmament, 9 Environmental Conservation 91 (Summer 1983).

Richard Turco & Carl Sagan, Policy Implications of Nuclear Winter, 18 Ambio 372 (1989).

Stansfield Turner, Nuclear Weapons Could be Stashed in Antarctica, International Herald Tribune, at 8, col. 3 (22 April 1992).

Theodoor Corneelis Van Boven, Fundamental Rights and Nuclear Arms, 19 Denver Journal of International Law and Policy 55 (1990).

Dhirendra P. Verma, The Nuclear Test Cases: An Inquiry into the Judicial Response of the International Court of Justice, 8 South African Yearbook of International Law 20 (1982).

Christopher Weeramantry, The Law, Nuclear Weapons, and the Real World, 19 Denver Journal of International Law and Policy 11 (1990).

M. Weisgall, The Nuclear Nomads of Bikini Atoll, 39 Foreign Policy 74 (1980).

B.H. Weston, Nuclear Weapons and International Law: Illegality in Context, 13 Denver Journal of International Law and Policy 1 (1983).

White, Hydrogen Bomb Tests and the International Court, 123 New Law Journal 615 (28 June 1973).

David Wright, Remarks on Citizen Initiatives under International Law, 82 American Society of International Law Proceedings 561 (1988).

S.C. Yuter, Preventing Nuclear Proliferation Through the Legal Control of China's Bomb, 12 Orbis 1018 (1969).

III. RADIOACTIVE WASTE

A. International Instruments and Other Documents

1. Treaties

Protocol for the Protection of the South-East Pacific Against Radioactive Contamination (Paipa), done 21 September 1989, reprinted in, International Environmental Law: Multilateral Treaties 989:70.

2. United Nations Resolutions and Other Documents

IAEA, Code of Practice on International Transboundary Movement of Radiocative Waste (1990).

IAEA, International Criteria for the Safe Disposal of High-Level Radioactive Wastes (1989).

IAEA, Principles for Limiting Releases of Radioactive Effluents in the Environment (1986).

3. Other Documents

OECD Decision on Multilateral Consultation and Surveillance Mechanism for Sea Dumping of Radioactive Waste, reprinted in, 17 International Legal Material 445 (1978).

Resolution LDC.21(9), Dumping of Radioactive Wastes at Sea, Ninth Consultative Meeting of the London Dumping Convention, reprinted in, 1 Agenda 21 & the UNCED Prodeedings 16, N. Robinson, ed. (1992).

B. Texts, Treatises & Anthologies

C. Mawson, Management of Radioactive Wastes (1985).

P. Park, D. Kester, I. Duedall & B. Ketcham, Radioactive Wastes and

the Ocean (1983).

C. Periodic Literature, Essay and Opinion

Cecil D. Andrus, Folly of Mismanagement of Radioactive Waste, Trial 26 (September 1991).

Frans Berkhout, Radioactive Wastes and the Nuclear Revival, 19 Energy Policy 615 (Sept. 1991).

John K. Bleimaier, International Law and the Disposal of Nuclear Wastes - Prospects for Supranational Regulation, 54-56 Yearbook of the Association of Attenders and Alumni of the Hague Academy of International Law 94 (1984-86).

D.W. Bowett, Nuclear and Thermal Waste Pollution: Some Legal Considerations, in Water Pollution as a World Problem 22, (London: The David Davies Memorial Institute of International Studies, 1971).

Brewers and Garrett, [The Legality of the Dumping of Radioactive Materials at Sea], 11 Marine Policy 105 (1985).

Browden & Parsons, Control of Radioactive Waste Disposal, in Nuclear Law for a Developing World 231 (IAEA 1969).

E.D. Brown, International Law and Marine Pollution: Radioactive Waste and Other Hazardous Substances, 11 Natural Resources Journal 296 (1971).

D.P. Calmet & J.M. Bowers, Radioactive Waste and Ocean Dumping: The Role of the IAEA, 15 Marine Policy 413 (1991).

C.E. Curtis, Legality of Seabed Disposal of High-Level Radioactive Wastes Under the London Dumping Convention, 14 Ocean Development and International Law 383 (1985).

Tim Deere-Jones, Back to the Land: The Sea-to-Land Transfer of Radioactive Pollution, 21 The Ecologist 18 (Jan/Feb 1991).

David A. Deese, Sub-Seabed Disposal of High-Level Radioactive Waste: Prevention or Management?, 19 Atomic Energy Law Journal 41 (1977).

L.H. Eaker, International Legal and Political Considerations Concerning the Seabed Disposal of Nuclear Waste, Nuclear Law Bulletin 40 (No. 31, 1983).

Daniel P. Finn, Ocean Disposal of Radioactive Wastes: The Obligation of International Cooperation to Protect the Marine Environment, 21 Virginia Journal of International Law 621 (1981).

Daniel P. Finn, Nuclear Waste Management Activities in the Pacific

Basin and Regional Cooperation on the Nuclear Fuel Cycle, 13 Ocean Development and International Law 213 (1984).

Angelantonio Forte, Nuclear Pollution of the Marine Environment: Some Recent Controls, in The Impact of Marine Pollution 241, Cusine & Grant, eds. (1980).

Stephen Gorove, Toward Denuclearization of the Ocean Floor, 7 San Diego Law Review 504 (1970).

George D. Haimbaugh, Protecting the Seas from Nuclear Pollution, 33 South Carolina Law Review 197 (1981).

L. Hancher, Radioactive Waste Disposal: An International Legal Perspective, 3 Leiden Journal of International Law 143 (1990).

Gunther Handl, Managing Nuclear Wastes: The International Connection, 21 Natural Resources Journal 267 (1981).

J.W. Hodges, International Law and Radioactive Pollution by Ocean Dumping, 11 San Diego Law Review 757 (1974).

Robert A. Kaplan, Into the Abyss: International Regulation of Seabed Nuclear Waste Disposal, 139 University of Pennsylvania Law Review 769 (1991).

J.W. Kindt, Radioactive Wastes, 24 Natural Resources Journal 967 (1984).

Nicholas Lenssen, Confronting Nuclear Waste, in State of the World 1992 46 (Worldwatch Institute 1992).

J. Paul Lomio, International Law and Disposal of Radioactive Wastes at Sea, 15 New England Law Review 253 (1980).

E. Nathanson, International Management of Radioactive Wastes, 5 Environmental Affairs 363 (1976).

Note, Disposal of Nuclear Waste: An Abdication of Responsibility, [1979] University of Illinois Law Forum 915.

J.N. O'Brien, International Auspices for the Storage of Spent Nuclear Fuel as a Non-Proliferation Measure, 21 Natural Resources Journal 857 (1981).

OECD Secretariat, International Cooperation in the Field of Radiactive Transfrontier Pollution, Nuclear Law Bulletin ____ (No. 14, ____).

Polvani, Radioactive Solid Waste Disposal into the Oceans: Implications and Perspectives, in Symposium on the International Law Regimes of the Seabed 195, Szucki, ed. (1971).

Quimby, Hopeful Signs in Nuclear Dumping Issues, Glimpses 17 (Winter 1981).

S. Spector & G. Shields, Nuclear Waste Disposal: An International Legal Perspective, 1 Northwestern Journal of International Law and Business 569 (1979).

S. Scherr, Radioactive Waste Disposal: The Quest for a Solution, in Environmental Protection - The International Dimensions 101, D. Kay & H. Jacobson, eds. (1983).

Zednek J. Slouka, International Controls Over Radioactive Waste, in the Proceedings of the Conference on International and Interstate Regulation of Water Pollution 71 (Columbia Univ. 12-13 Mar. 1970).

David G. Spak, The Need for a Ban on All Radioactive Waste Disposal in the Ocean, 7 Northwestern Journal of International Law and Business 803 (1986).

Spector & Shields, Nuclear Waste Disposal: An International Legal Perspective, 1 Northwestern Journal of International Law and Business 569 (1979).

Spiller & Hayden, Radwaste at Sea: A New Era of Polarization or a New Basis for Consensus?, 19 Ocean Development and International Law 345 (1988).

Pierre Strohl, Radioactive Waste Management: Ethics, Law and Policy, 46 Nuclear Law Bulletin 10 (Dec. 1990).

Strohl, Legal, Administrative and Financial Aspects of Long Term Radioactive Wastes, 21 Nuclear Law Bulletin 77 (1978).

Jan M. Van Dyke, Ocean Disposal of Nuclear Wastes, 12 Marine Policy 82 (1988).

Maira H. Waligory, Radioactive Marine Pollution: International Law and State Liability, 15 Suffolk Transnational Law Journal 674 (1992).

H. Welsch, The London Dumping Convention and Sub-Seabed Disposal of Radioactive Waste, 28 German Yearbook of International Law 322 (1985).

J. White, UNCED tries to Bury Radioactive Waste, Crosscurrents p. 5 (No. 6, 23-25 August 1991).