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978-1-107-04129-5 - Legal Resolution of Nuclear Non-Proliferation Disputes

James D. Fry

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LEGAL RESOLUTION OF NUCLEAR NON-PROLIFERATION DISPUTES

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 analyzes 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-à-vis the procedural shortcomings and general heavy-handedness of Security Council involvement under the UN Charter Chapter VII.

JAMES D. FRY is Assistant Professor of Law at the University of Hong Kong Faculty of Law, where he is also Director of the LL.M. program, Deputy Director of the Japan and Korea program and Warden of Lee Shan Kee Hall.

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