

INSTITUTE FOR LEGAL RESEARCH  
BOALT HALL SCHOOL OF LAW  
UNIVERSITY OF CALIFORNIA, BERKELEY

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CONFERENCE

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**OCEANS IN THE  
NUCLEAR AGE:  
LEGACIES AND RISKS**

A Conference to Examine the Legacies and Future Implications  
of the Nuclear Age for the Oceans

**FRIDAY AND SATURDAY  
FEBRUARY 10-11, 2006**  
Room 140, Boalt Hall School of Law  
University of California, Berkeley

Conference organizers:  
Prof. Harry N. Scheiber and David D. Caron, Co-Directors, LOSI  
Boalt Hall School of Law, UC Berkeley

In cooperation with Prof. Jon M. Van Dyke  
William S. Richardson School of Law, University of Hawai'i

## FRIDAY, FEBRUARY 10

### **Welcoming and Introduction – 9:15 am**

Prof. Harry N. Scheiber, Law, UC Berkeley

Prof. David D. Caron, Law, UC Berkeley

### **Panel: Radioactive Wastes in the Oceans: Managing the Past and Considering the Future – 9:45 am**

An immediate consequence of the nuclear age was the accumulation of radioactive wastes, and for several decades the oceans were the preferred place for disposal. Although the dumping of such wastes is no longer legal, we are left with some ocean areas with significant wastes. In this panel, we look to how former dump site areas may be managed and how the need to dispose of high-level nuclear wastes may return in the form of deep seabed burial.

Chair: Prof. Richard J. McLaughlin, Harte Research Institute for Gulf of Mexico Studies, Texas A&M University

Prof. Malgosia Fitzmaurice, Queen Mary, University of London, United Kingdom

Dr. Daniel J. Fornari, Woods Hole Oceanographic Institution

Prof. Edward L. Miles, Marine Affairs, University of Washington

### **Break – 11:15 am**

### **Panel: Nuclear Activities and Radioactive Waste in the Arctic – 11:30 am**

Perhaps the single most significant source of risk from the presence of nuclear wastes in the oceans stems from Soviet Era dumping of wastes, including reactors, onto the Russian Arctic continental shelf. This panel attempts to sketch out the still largely unclear extent of the issue, discuss possible risks, and outline possible strategies for mitigation.

Chair: John Briscoe, Esq., Briscoe Ivester & Bazel LLP, San Francisco

Prof. Lakshman D. Guruswamy, Law, University of Colorado

Captain Alexander S. Skaridov (Ret.), St. Petersburg Institute for Ocean Law Studies, Russia

### **Lunch break – 12:45 pm**

### **Panel: The Legacy of Testing for the Oceans – 2:30 pm**

The United States, France, and the Soviet Union all conducted atmospheric, undersea, and underground nuclear bomb testing adjacent to ocean spaces. Knowledge of the legacies of this testing for the ocean environment is fragmented; often relating to one test site, but not others. This panel begins an important task of examining the state of our knowledge concerning testing generally.

Chair: Judge Choon-Ho Park, International Tribunal for the Law of the Sea

Dr. Laurence Cordonery, East-West Center, Hawaii

Philip A. Okney, Esq., Marshall Islands Nuclear Claims Tribunal

Prof. Thomas M. Leschine, Marine Affairs, University of Washington

### **Break – 3:45 pm**

### **Panel: Ocean Transport of Radioactive Fuel and Waste – 4:00 pm**

High-level nuclear waste from nuclear power plants may be reprocessed and reused. The facilities for such reprocessing are few and, as a consequence, high-level nuclear material is currently transported by sea, for example, from France to Japan. Such transport arguably raises both environmental and security risks. This panel examines the law regulating these shipments and the pressure such shipments are making for revision of the ocean regime.

Chair: Commander Glenn M. Sulmasy, U.S. Coast Guard Academy

Prof. Jon M. Van Dyke, Law, University of Hawai'i

Prof. Miyoshi Masahiro, Law, Aichi University, Japan

Judge Tullio Treves, Law, University of Milan and International Tribunal for the Law of the Sea

Prof. Todd R. LaPorte, Political Science, UC Berkeley

## **SATURDAY, FEBRUARY 11**

### **Panel: Nuclear Weapons and Weapon Grade Material on the Oceans – 9:00 am**

The presence of nuclear weapons on vessels, nuclear-powered vessels, and nuclear weapon grade material raises two broad clusters of concerns and policy initiatives. On the one hand, there are the efforts of various nonnuclear states to exclude nuclear-powered vessels or vessels with nuclear weapons from ocean space adjacent to the state. On the other hand, there are the efforts of various states to ensure the integrity of nuclear weapon grade material at sea and to intercept the terrorist shipments of nuclear weapon material. This panel looks at both clusters of concern.

Chair: Prof. Jack I. Garvey, Law, University of San Francisco  
Prof. Michael J. Matheson, Law, George Washington University  
Prof. Ted L. McDorman, Law, University of Victoria, Canada  
Dr. Scott Parrish, Monterey Institute for International Studies  
Dr. Mark J. Valencia, Maritime Policy Analyst, Kaneohe, Hawaii

### **Break – 10:30 am**

### **Roundtable on the Ocean Regime Implications of Security Concerns – 10:45 am**

Since the first atomic tests, the nuclear age has pushed at the existing legal regime for the oceans. During testing, for example, a particular issue was the whether atmospheric testing and the closure/use of a significant area of high seas was a legitimate use. The previous panel points out how different states push at the existing zonal structure so as to advance their policy preferences. This roundtable considers how the ocean legal regime is or is not changing and how it may yet change or need to change.

Moderator: Prof. David D. Caron, Law, UC Berkeley  
Prof. Craig H. Allen, Law, University of Washington  
Vice Admiral Hideaki Kaneda (Ret.), The Okazaki Institute, Japan  
Prof. Donald R. Rothwell, Law, University of Sydney, Australia  
Prof. Yann-Huei Song, Institute of European and American Studies, Academia Sinica, Taiwan

### **Lunch break – 12:30 pm**

### **Roundtable on Lessons Learned – 2:00 pm**

Moderator: Prof. Harry N. Scheiber, Law, UC Berkeley  
Prof. Darleane C. Hoffman, Lawrence Berkeley Laboratory, UC Berkeley  
Judge Anthony Amos Lucky, International Tribunal for the Law of the Sea  
Prof. Bernard H. Oxman, Law, University of Miami  
Judge Choon-Ho Park, International Tribunal for the Law of the Sea  
Judge Tullio Treves, Law, University of Milan and International Tribunal for the Law of the Sea

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