

**Chapter 1 : Chapter 8: International Law in a Global Economy by Lara Daniel on Prezi**

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Customary international law is established through the actions that States take out of a sense of legal obligation. International law changes through changing treaty regimes, as well as through new and different legal norms that States assume based on what they deem to be the law governing emerging issues. Customary international law, and in recent years, treaty law, have played a central and continuing role in the evolution of the law of the sea. In contrast to treaties, which are written and more easily researched and cited to, the reasoning behind customary international law can be harder to discern. A comparison of the international view and the U. It needs merely to be generally and consistently practiced by a representative group of States capable of participating in the practice. State practice is shown by the actions taken by States. It differentiates what a State does out of a legal obligation and what a State does out of regular courtesy or comity. *Opinio juris* is demonstrated through various means. Most of the Convention was written to reflect the sense of obligation that States already felt towards each other regarding law of the sea. Problems with Customary International Law Customary international law can be difficult to define with precision. Customary international law is easiest to show when codified in treaty frameworks. History of the Law of the Sea The law of the sea is simultaneously one of the oldest and one of the newest bodies of international law. From the time the seas began to be used for the conduct of commerce and war, politicians, merchants, and scholars have debated who could use the sea and who could control it. Freedom of the seas has taken many forms over the centuries. The Convention is the cumulative result of decades of diplomacy and is based on centuries of relevant practice and jurisprudence. At the time of the creation of the Convention, there was much talk about: In , President Harry S. Truman extended the U. Most States extended their territorial waters to 12 nautical miles. In subsequent years, various attempts were made to create a broad-spectrum law of the sea regime that ultimately culminated in the creation of the present Convention. First and Second Conferences on the Law of the Sea The first off-shore oil rig out of the sight of land started producing in , and there was slow growth of off-shore operations through the s. In the s there was a boom in activity and technology; platforms began drilling thousands of feet below the surface and could be located further and further from shore. During the same period, advances were made in fishing. Vessels increased in size and could travel further from port and stay out longer. Nations began to exploit distant fishing waters without restraint. Issues of geopolitics and nationalism, in addition to interest in oceanic resources, amplified the desire of States to assert sovereign rights over increasingly larger areas of the ocean. All of these trends increased the pressure to adapt the principles of customary law of the sea to a changing world environment. In the U. Ending in , the result of the first Conference was four treaties: These treaties entered into force between and Though the Conference was heralded as a success, it failed to address some key issues, including the issue of the breadth of territorial waters over which coastal States could assert broad sovereign rights. Third Conference on the Law of the Sea The unanswered issue of territorial waters needed to be resolved. In , President Lyndon B. Johnson referred to the deep sea and the seabed as the legacy of all humans. The following year, the Ambassador to the UN from Malta, Arvid Pardo, presented a proposal to the UN General Assembly declaring that the seabed should be part of the common heritage of mankind. For nine years States negotiated over the parameters of the law of the sea until the Convention was completed in S strongly supported the initiative of the third Conference and played a leading role in its negotiation over the course of the Nixon, Ford and Carter administrations. Following the lead of the U. To address the concerns preventing the U. The Agreement is intended to be interpreted along with Part XI of the Convention, and addresses concerns developed nations had regarding the exploitation of the deep seabed and its administration. In the case of any conflict or contradiction between the texts or their

interpretations, the text of the Agreement is to prevail. Any States ratifying the Convention following implementation of the Agreement are also bound by the Agreement. States which ratified the Convention before the Agreement may consent to the Agreement separately. It establishes guidelines for businesses, environment, and the management of marine natural resources. Various developed nations with significant naval and maritime assets, the U. Since entering into force in , the LOSC has increasingly become an important part of the international legal order. Followed by the vast majority of the States of the world, the LOSC provides the only framework within international law for resolving contentious issues such as freedom of navigation, fishing rights, and the appropriate scope and boundaries of maritime zones. A Constitution of the Sea Constitutions, like that of the U. It governs, among other things, limits of national jurisdiction over ocean space, access to the seas, navigation, protection and preservation of the marine environment, exploitation of living resources and conservation, scientific research, sea-bed mining and other exploitation of non-living resources. It also covers dispute settlement, created international bodies to realize specific objectives, and fosters international cooperation to address maritime issues such as safety and environment. LOSC attempts to achieve an overall equitable order by balancing concomitant rights and benefits against duties and obligations. China is expanding its naval forces and creating man-made islands. Somali pirates on tiny fishing boats still threaten shipping by the Horn of Africa. Japan claims a cultural right to whaling. Yemen uses missiles from Iran to attack U. The Convention represents customary international law because of the state practice and opinio juris on which LOSC was based. Even before the Convention existed, many of the norms included in it were already practiced by States. It should be noted, however, that a comprehensively articulated and written agreement on the law of the sea is necessary to hold a small number of influential States accountable for practices that they employ in limiting access or navigation that are incompatible with the U. The fact that LOSC is a multi-lateral treaty, accepted by most of the world, is evidence of the fact that the Convention is custom, backed by opinio juris. Not only do other States follow the Convention, but the U. At the very least, under customary international law the U.

**Chapter 2 : China's Public Diplomacy**

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In the past, this remote and inhospitable region was almost entirely inaccessible due to year-round sea ice. As warming melts the sea ice, parts of the Arctic Ocean will increasingly open. While the thawing of the Arctic sea ice and glaciers raises serious environmental issues, the opening of the region will likely lead to new economic opportunities. By the middle of the present century, the retreat of ice will potentially open new shipping lanes and the possibility of new resource extractions. Potential access to new resources has led to increased interest among States and observers regarding exactly who owns what in the Far North. Unlike Antarctica, which is a largely uninhabited continent with unsettled sovereignty questions, coastal States ring the Arctic with established boundaries. In the Arctic Ocean, the LOSC provides a clear framework for determining boundaries and legal rights and responsibilities. No Race for the North At times, media reports on the Arctic have depicted an unclaimed wilderness with States scrambling for resources. This is because, with the exception of a small island between Canada and Greenland, there are no unresolved land border disputes in the Arctic. Furthermore, the Arctic coastal States are the U.S. As outlined in Chapter Two: In addition, coastal States may declare an exclusive economic zone EEZ of nautical miles from the baseline, in which they have the right regulate the use of natural resources and establish environmental protection. While some overlapping claims exist, the Arctic coastal States have mostly resolved maritime boundary disputes through bilateral negotiations. The most significant unresolved maritime boundary dispute is between the U.S. However, both parties seek to minimize tension as they work toward resolving the dispute. The application of Article is a subject of dispute between the U.S. Canada and Russia assert they have the right to exclude ships from their territorial sea or EEZ if States fail to comply with local regulations enacted pursuant to Article Arctic Continental Shelf Unresolved overlapping claims on the deep seabed are the only significant territorial disputes between nations in the Arctic. An extension would legally entitle that State to exclusive subsoil resource access on the extended continental shelf. For additional information on this topic see Chapter Two: If scientific data collection and analysis corroborates the current projections of the extended continental shelves in the Arctic, nearly all subsoil rights in the Arctic will ultimately fall under the exclusive jurisdictions of States. Successful extension claims in no way affect the legal status of the water column, the ocean surface, or the airspace above the extended continental shelf. The CLCS has no legal mandate to resolve disputes. The CLCS recommendations are meant to provide an independent assessment of bathymetric and geological data submitted by claimants for the extended continental shelf, upon which bilateral decisions can be reached between States. The Arctic States have followed the procedures of the Convention relating to extended continental shelf claims, and to date no formal determinations by the CLCS have been made. Arctic Straits One of the more contentious legal debates among Arctic States is the applicability of the right of transit passage in international straits to the Northwest Passage and the Northern Sea Route. The Northern Sea Route is a transit route along the northern coast of Russia. Both routes can shorten voyages between Europe and Asia, but they remain hazardous due to sea ice and weather. Canada and Russia claim these as internal waters where foreign ships do not have the right to go without permission. Despite the disagreement, it is important to emphasize that the parties agree that the LOSC is the appropriate framework to utilize to resolve the disputes. They simply disagree regarding the correct interpretation of the LOSC. The Corfu channel was traversed by 2, ships within a twenty one month period. Indeed, ship traffic has already begun in the Northwest Passage. Russia also asserts that portions of the Northern Sea Route are internal waters. Like Canada, the Russian position is also based on historical usage and lack of transits without prior authorization. These disputes have not recently been a source of tension. In the Northwest Passage, the U.S. Nonetheless, as the straits are increasingly open to shipping, other States with an interest in shipping may join the U.S. Eventually, the claims

may be resolved through negotiation or some other dispute resolution method. This area is the Arctic high seas. Other States would have the right to freely navigate and exploit the resources in the water column in this part of the high seas. Many are concerned that living marine resources in the central Arctic Ocean will be subjected to dangerous and unregulated fishing. In the future, the Arctic States in coordination with other fishing States may decide to establish a regional fisheries management organization. This association would function as a treaty organization designed to coordinate and manage fishing stocks in a sustainable way to advance mutual interests. For now, the five Arctic Coastal States released a joint declaration at Oslo, Norway in the summer of directed towards fishing in the central Arctic Ocean. The declaration noted that commercial fishing in the central Arctic Ocean was not currently feasible and so a regional fishery management organization was not yet necessary. Regardless, the coastal States undertook as an interim measure to restrain any fishing in the central Arctic Ocean until a fishing regulatory scheme like a regional fisheries management organization could be established. This decision ensures that future fishing will be carried out sustainably and in accordance with scientific inputs. The coastal States also declared their intent to respect the rights of other States and to pursue their cooperation in achieving a mutually beneficial preservation of Arctic fish stocks. Because of the inhospitable nature of the region, the general lack of State assets and capabilities in the area, and the sensitivity of the environment, cooperation among the Arctic States is essential. The Arctic Council acts as a forum for cooperation and coordination among the Arctic States, but it is not a true international organization with rule-making power. All decision-making is done on a consensus basis, and treaties negotiated in the Council are enacted between the Arctic States without reference to the Council as a legal entity. So far, the Council has been the forum for negotiating two significant treaties between the Arctic States. First, in , the Arctic States signed a treaty on search and rescue, apportioning responsibility for response and structuring cooperation. Then, in , the Arctic States signed a treaty on Arctic pollution preparedness and response. This Polar Code sets additional standards for construction, manning, training, equipment, voyage planning, pollution, and communications for commercial ships in polar waters. The mandatory provisions of the Polar Code went into effect on January 1, for new ships. The provisions go into effect for existing ships in . In addition to the mandatory provisions, the Polar Code also includes additional non-binding recommendations for both safety and environmental protection. If so, flag States would be responsible for enforcement of the Code and coastal States may demand compliance with its terms. It establishes a clear set of rights and responsibilities for coastal States and others. Where the general provisions of the LOSC may not be enough to protect mariners and the environment in this inhospitable region, the LOSC provides the pathways for coastal States to regulate ships further. The IMO has begun to increase safety in the region even further as was discussed above. The Ilulissat Declaration, May, 29, , available at [http: Corfu Channel Case UK v. Michael Byers](http://CorfuChannelCaseUKv.MichaelByers), International Law and the Arctic at [Agreements, Arctic Council Sep. Department of State May 11, , available at https:](http://Agreements,ArcticCouncilSep)

**Chapter 3 : Territorial Leasing in Diplomacy and International Law**

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It has also authorized longer-term operations in Bosnia and Herzegovina, 3 Kosovo and Afghanistan, and a new multinational force in Iraq. It is clear that these are not the type of operations originally envisaged by Chapter VII. The UN Secretary-General stressed this unique character: The Iraqi invasion and occupation of Kuwait was the first instance since the founding of the Organization in which one Member State sought to completely overpower and annex another. The unique demands presented by this situation p. Certainly the inter-state use of force in the years since has not produced anything like the international response triggered by the Iraqi invasion of Kuwait. The conflicts which broke out between Ethiopia and Eritrea, Armenia and Azerbaijan, Cameroon and Nigeria, Israel and Lebanon, and Ethiopia and Somalia did not provoke the UN to identify an aggressor and to authorize action against it. The reaction of the Security Council to the outbreak of inter-state conflict since the end of the Cold War, just as during the Cold War, has generally been to avoid condemnation and the attribution of responsibility and rather to call for a ceasefire and the restoration of peace. It is in internal conflicts rather than interstate conflicts that the experience of Iraq seems to have had a more significant impact. Instead there is consensus that it is for the Security Council to authorize member states to take enforcement action, even if the precise legal basis for this in the Charter is not clear. The Security Council has not again authorized member states to use force against an aggressor state in the same way as it did against Iraq. In most cases the host state has consented to the UN-authorized operation, or even requested it. The situations nearest to that of Iraq are those where the Security Council authorized the use of force against a group involved in an internal conflict when that group did not comply with its obligations under a UN-brokered or approved ceasefire. This may be seen as a new development in UN action: In response to a military coup in overthrowing the first democratically elected government in the history of Haiti, the Security Council condemned the coup and demanded the replacement of the constitutionally elected President, Jean-Bertrand Aristide. After the Security Council agreed on the imposition of an oil and arms embargo in , the junta and the ousted President concluded the Governors Island Agreement, requiring the return of the lawful President and the restoration of democracy. It also authorized the revision and expansion of the mandate of UNMIH, which was to take over from the multinational force when it had established a secure and stable environment necessary to restore and maintain democracy in Haiti. However, the situation in Haiti remained precarious and the re-established democracy was not secure. Certainly the willingness of the Security Council to find that the situation in Haiti created by the failure of the military authorities to fulfil their obligations under the Governors Island Agreement and to comply with relevant Security Council resolutions calling for the restoration of the democratically elected government constituted a threat to peace and security in the region went further in its discretion under Article 39 than any other such finding. This time it no longer stressed the unique and exceptional nature of the case, and this time it is difficult to portray the intervention as pro-democratic. The USA was no longer willing to support President Aristide whose left wing political views were not attractive to the Bush administration. After controversial legislative elections in returned Aristide to power, the main bilateral donors cut international assistance to the government of Haiti, the poorest state in the western hemisphere, and withdrew their support from President Aristide. In armed insurrection broke out; opposition forces seized control of half the territory. President Aristide agreed, but the opposition did not. The Security Council initially condemned the opposition for this rejection. There was considerable support for this proposal. The USA denied this. Acting under Chapter VII it authorized the immediate deployment of a Multinational Interim Force for a period of not more than three months, to contribute to a secure and stable environment and facilitate the provision of humanitarian need. It therefore welcomed the offer by certain member states to establish a temporary and limited multinational protection force to facilitate the safe and

prompt delivery of humanitarian assistance, and to help create a secure environment for the missions of international organizations in Albania. It authorized member states participating in the multinational protection force to conduct the operation in a neutral and impartial way. This multinational force was to be deployed until replaced as soon as possible by a UN peacekeeping operation and six months later it handed over to UNTAET. In the Supplement to the Agenda for Peace he acknowledged that the Security Council did not then have the capacity to deploy, command, and control an enforcement action. Although it was desirable that in the long term the UN should be able to conduct such operations, it would be folly to p. However, he spoke of the dangers to the UN if it seemed to be sidelined; its stature and credibility might be adversely affected. Operation Desert Storm had given rise to concern among states about the need to limit the discretion of member states authorized to use force and to a determination not to repeat what came to be seen as flaws in the mandate of the operations. Thus, at the time of the operation there was concern about the lack of UN control over the decision as to when to start the operation and over the conduct of the campaign, about the wide and unclear mandate and about the lack of a time limit on the coalition action. Yemen said that the resolution was vague and not related to any specific article of Chapter VII. The Security Council would not have any control over the forces and command was not with the UN. Cuba argued that the text of Resolution violated the Charter in that it authorized member states to use military force in total disregard of Charter procedures. States which abstained on, or opposed, Security Council resolutions authorizing new member state forces did so, not because of doubt about the constitutionality of such operations, but because they had concerns about the particular operation. China most often expressed such concerns. Member states were required to act in close coordination with the Secretary-General; in the former Yugoslavia this was interpreted to require the consent of the Secretary-General to any use of force by NATO in order to guarantee coordination and to avoid danger to p. The member state operations in Rwanda, Haiti and Albania, and all subsequent operations except for KFOR, 29 were subject to fixed time limits and all had to be renewed by the Security Council. Also in all these operations the states concerned were required to report to the Council on a regular basis on the implementation of the resolution. There is also a danger that interested states operating under UN authorization would gain legitimacy to further their own interests. The early tradition of not using the forces of permanent members of the Security Council or of those states with geographical or historical interests in the state concerned has been further circumvented through this type of operation. There was some suspicion of the motives of these states. In Rwanda Operation Turquoise was criticized for providing a safe haven for the perpetrators of genocide. These were, however, all temporary, limited forces operating with the consent of the host states even where this was not expressly indicated in the relevant resolutions. It is not clear that the use of the EU to lead an operation instead of a single member state will necessarily meet this concern as to ulterior motives. There were newspaper reports that the use of the EU in the DRC was interpreted by some as evidence of foreign state support for the incumbent President in the elections. This authorization was given for an initial period of 12 months and has been renewed many times up to the present. France was not willing to put its troops under UN command and it stipulated the functions they were and were not disarmament, demobilization and reintegration to carry out. Anti-French riots broke out in and The Secretary-General had made it clear in his report on the establishment of a UN force that without French assistance a much larger UN force would have been needed. Fighting had been going on in the resource-rich DRC since and many neighbouring states were involved in the conflict. After the Lusaka Peace Agreement in the Security Council had created a UN peacekeeping force, MONUC, but it faced serious difficulties in securing enough troops and delays in deployment because of the insecure situation. The small and lightly armed UN peacekeeping force stationed in Bunia, the main town in the Ituri province, proved unable to cope with the extreme violence which broke out between opposing militias. It was to act in close coordination with MONUC, to contribute to the stabilization of the security conditions and the improvement of the humanitarian situation in Bunia, to ensure the protection of the airport, the internally displaced persons in the camps in Bunia and, if the situation required it, to contribute to the safety of the civilian population, UN personnel and

the humanitarian presence in the town. EUFOR-RDC was also to contribute to the protection of civilians under imminent threat of physical violence, to ensure the security and free movement of its own personnel and to execute limited operations to extract individuals in danger. The EU was to report regularly not only to the Security Council, but also to the government of the DRC on the implementation of this mandate. The 2, strong EU force was decisive in containing the potential spread of violence at a sensitive moment in the election process. The USA was unwilling to intervene in its former creation. Ever since President Charles Taylor was elected in after a prolonged civil war, other states had accused him of intervention in neighbouring states. Sanctions were imposed on Liberia by Resolution for its interference in the civil war in Sierra Leone. In June President Taylor was also indicted by the Sierra Leone Special Court for war crimes committed during the ten-year civil war. The UN Secretary-General wrote to the Security Council, expressing deep concern at the flagrant violations of the ceasefire. He therefore requested the Security Council to take urgent action to authorize the deployment of a highly trained and well-equipped multinational force under the lead of a member state, to prevent a major humanitarian p. He regretted that this was the second such initiative he had had to propose in recent months, but he was again compelled to do so by a grave humanitarian and security situation with massive potential for exacerbating regional instability. He later requested the USA, the former quasi-colonial power, to consider spearheading the deployment of the force. In July the Secretary-General repeated his deep concern at the dramatic deterioration of the situation on the ground and said it was absolutely essential to accelerate the deployment of the ECOWAS vanguard force, ECOMIL, followed by a full multinational force and then a UN peacekeeping operation. The USA did not directly take part, but it provided a task force of over 2, marines off the coast of Liberia. The deployment of the substantial French-led force was followed by a comprehensive peace agreement in August and the situation in Liberia improved. As was shown in the previous chapter, developed states have generally been reluctant to contribute troops to UN peacekeeping, especially in Africa. They may also provide direct assistance to the governments of their former colonies or to regional organizations. The governments in Chad and the CAR were both under threat from armed opposition forces, and since the conflict in neighbouring Darfur had further destabilized the region. The significant cross-border movement of rebels and refugees had a serious impact on security. Chadian rebels operate from Sudan, and Sudan in turn accuses the government of Chad of supporting the opposition forces in Darfur. Insurgents from the Sudan and Chad regularly cross the border unhindered. Since December there has been an increase in attacks on both Sudanese and Chadian villages along the common border. The ongoing crisis stems from tribal conflicts in the two countries and a power struggle in Chad. The territory of Sudan has been used as a staging ground to topple at least two Chadian presidents.

**Chapter 4 : SAGE Reference - Diplomatic Summitry**

*Chapter 8 International Law International law- the law that governs relations among nations. International customs and treaties are generally considered to be two of the most important sources of international law National law- law that pertains to a particular nation (as opposed to international law) Government authorities can enforce national law, since nations are sovereign entities there.*

**Chapter 5 : Chapter 1: International Law, Adoption of the Law of the Sea Convention “ Law of the Sea**

*The Arctic and the LOSC Introduction Due to the effects of climate change on melting ice, the Arctic has captured new levels of international attention. In the past, this remote and inhospitable region was almost entirely inaccessible due to year-round sea ice.*

**Chapter 6 : Oxford Public International Law: 8 Security Council authorization for member states to use force**

*Diplomacy may be considered a means of carrying on the business of international society through negotiation, communication and representation. 1 International law may be Looks like you do not have access to this content.*

## Chapter 7 : SAGE Reference - Diplomacy and International Law

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## Chapter 8 : Chapter 8: Expansion and Diplomacy after the Civil War, - Brill Reference

*The Law of the Sea Convention (the "Convention" or "LOSC"), is binding on the States that are party to it, as well as other States (including the U.S.), to the extent that it represents customary international law.*

## Chapter 9 : Fallout: Nuclear Diplomacy in an Age of Global Fracture, Mallard

*Digest of United States Practice in International Law Key Words. In order to assist readers in locating the full text of documents which are excerpted in the Digest but readily accessible elsewhere, the volume includes citations to Internet or other public sources.*