

INDEX

accountability, 9, 15, 17-18, 136, 138, agricultural subsidies, 295-296 156, 254 agriculture; see also farming practices, Additional Protocol, 213-214, traditional, 270-271, 272, 216-217, 223 274, 277, 279-281, 286, 288-289, 290-291, 296, adequate food, right to, 275-277 administrative law, 134, 138 305-306 global, 18, 23, 123, 136, 138 anthrax letter attacks, 226, 232, 247 principles, 136-140 anti-state local security institutions, see adverse disease events, 229, 235 ASLSIs. adverse health events, 19, 226, 229, 231, anti-state security institutions, 62-63 234-235, 240, 246 antiviral medications, 234, 242, 243 advisory opinions, 181, 183-184 APTERR (ASEAN Plus Three advocacy, 49, 52, 288, 289 Emergency Rice Reserve), 22, Afghan Women's Network, see AWN. 292-307 Afghanistan, 47, 49, 50, 51, 54, 56, archetypes, 27-28, 31, 33, 39, 41-42, 45 ARF (ASEAN Regional Forum), 264 65-66, 68, 69-72 Elimination of Violence Against Aristotelian virtue ethics, 160 armed attacks, 99, 314, 322 Women (EVAW), 68 family-response units, 70 armed conflict, 23, 52, 59, 64, 181, 261, gender justice, 65-71 309-310, 314, 317, 320-322 law, 310, 314, 320, 322 Mesharano Jirga, 66 police, 66, 68, 69-71 non-international, 314, 320, 321 Wolesi Jirga, 66-67 armed robbery at sea, 13, 96-97, 101, women, 66-67, 69 111, 118 Africa, 7, 103 legislative and administrative institutions, 16, 168, 170, 180, 184, 188 measures, 105-107 African Union (AU), 167 marine insurance, 116-118 agents, 18, 28, 30-31, 34-35, 37, passive protection measures, 325 112 - 113aggression, 37, 46, 141, 145, 149 private initiatives against, 111-118 acts of, 156, 166 protection of ships from imminent attacks, 107-109 Agreement on Agriculture, 277, 279, 289, 291, 305-306 public initiatives against, 104-111 Agreement on Subsidies and punishment, 110-111 Countervailing Measures, see seizure and arrest, 109-110 ASCM. self-defence measures against agricultural companies, 270, 290 imminent attacks, 113-117



> 390 INDEX armistice lines, 16, 191, 194-197, 201 Berne Convention, 282 arms, 92, 95, 114, 154 Best Management Practices for see also weapons. Protection against Somaliacontrol, 223 Based Piracy, see BMPs. arrest, 105, 108, 109-110, 319 bilateral disputes, 249, 259-260, 261 ASCM (Agreement on Subsidies and binding norms of international law, 15, Countervailing Measures), 125 304-305, 306 bio-security, 2, 5 ASEAN (Association of Southeast Asian biological materials, 244 Nations), 2, 20, 248, 249, black holes, 150, 157 251-252, 253-254, 255-256, blended sovereignty, 74, 78, 80, 84, 87, 263-265, 292-293, 297 88, 93 Charter, 20, 248-249, 250-251, 254, BMPs (Best Management Practices for 255, 264-265 Protection against Somalia-ASEAN Plus Three Emergency Rice Based Piracy), 112, 119 Reserve, see APTERR. Bonn Agreement, 65-66 ASEAN Way, 20, 248, 252-253, 264-265 borders, 16, 31, 45, 62, 92, 194, 196, 201, ASLSIs (anti-state local security 309, 314 institutions), 12, 47-72 Israel, 16, 190-192, 201 Association of Southeast Asian Brazil, 257-259 Burkina Faso, 175 Nations, see ASEAN. attacks, 59, 64, 67, 102, 112-113, 308-309, 311-312, 314, 315, Cambodia, 260, 306 Camp David Accords, 192-193 anthrax letter, 226, 232, 247 capacities, 35-36, 48, 56, 95, 107, 235, armed, 99, 314, 322 236, 242 cyber, see cyber attacks. core, 240, 242-243, 244 imminent, 105, 107, 109, 113 local manufacturing, 241, 243 kinetic, 312-313 CAR (Central African Republic), 179, terrorist, see terrorist attacks. 187 AU (African Union), 167 CBD (Convention on Biological Australia, 78, 131, 257-258, 308, 315 Diversity), 279, 281, authorisation, 178, 255, 331 285-286 avian influenza virus, 226, 232, 247 CCDCOE (Cooperative Cyber Defence awareness, 28, 35, 45, 46 Centre of Excellence), 316 collective, 28 CEMAC (Economic and Monetary pre-interactional, 30 Community of Central Africa), 167, 179, 187 AWN (Afghan Women's Network), 68 Central African Republic, see CAR. barriers, 209, 235, 239 centralised security response, 12, 93 basic liberties, 326-329 **CERTs** (Computer Emergency basic rights, 324, 326, 327-330, Response Teams), 314 332-333, 334, 336 Chad, 171-173, 179, 187 deficits, 333, 334, 335-336, 337 challenge inspections, 220 infringements, 333, 334, 335 changing security environment, benefit-sharing scheme, 279, 284-285 9, 11 benefits, 22, 237-238, 240, 278, 281, Chemical Weapons Convention, see 297, 300, 304, 327, 328 CWC.



INDEX

child marriage, 68 children, 40, 46, 64 China; see People's Republic of China, 100, 111, 132, 221 cholera, 228, 229-230, 234 chronic food insecurity, 21, 271-272, 293 citizens, 49, 82, 323, 324–325, 326–331, 333, 335-336 liberties of, 324, 328-330, 332 civil liberties, 1, 323-325 civilians, 23, 68, 114, 180, 317, 320 coast of Somalia, 13, 97, 101, 103-104, 105-108, 109, 111-113, 117 coastal States, 95, 97, 99, 115 Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, see Djibouti Code of Conduct. Cold War, 2, 4-5, 7, 56, 62, 65, 184, 206, 213, 214 collective action, 36, 37, 293 collective awareness, 28 collective consciousness, 11, 28, 33-36, 37, 39, 45 collective enforcement action, 108-109 collective processes, 34, 39 collective representations, 27-28, 34-35, 36, 42 collective responses, 11, 27, 41 collective security, 44, 45, 99 Collective Self Framework, 34, 37, 42-43 collective selves, 11-12, 27-28, 30-31, 43, 44-46 analysis, 33-42 collective shadow, 41 collectives, 11, 28-29, 31, 33, 36, 38, 39 collisions, 9, 20-21, 22, 307 combatants, 320-321 commissarial dictatorship, Roman, 155, 157 common foreign and security policy, see European Union, common foreign and security policy.

391 common interests, 57, 119, 181 common law, 123, 136, 138 common rules, 127, 129, 135 common security, 5, 104 common security and defence policy, 89-90 communication, 35, 44, 149, 314-315 communities, 44, 48, 50-51, 52, 70, 72, 174-175, 266, 272, 286 global, 27-28, 34 political, 55, 57-58 religious, 50 companies, 114, 238-239, 244, 311 agricultural, 270, 290 pharmaceutical, 237, 238-240, 242, 243, 244-245 competence, 78, 79, 81-82, 83-84, 86-89, 170-172, 178, 180-181, 184, 186 exclusive, 81, 87, 93 institutional, 14, 16, 168, 169, 171, 175, 180, 185–186, 188 of international institutions, 13, 168 legislative, 74, 79, 82, 88 shared, 81, 83 complaints, 69, 257-259 complexes cultural, 28, 33, 39-40, 45 personal, 40 compliance, 18, 113, 209, 217, 219, 222, 244, 245, 255, 266 comprehensive safeguards, 19, 206, 215, 217, 218-219 agreements, 19, 206, 210-211, 213, 215, 217, 218-219 and IAEA, 210-214 compulsions, 27, 31, 32, 45-46 computer data, 313, 319 Computer Emergency Response Teams (CERTs), 314 computer systems, 310-311, 312, 313, 318 computers, 310-311 conduct, 77, 79, 96, 102-103, 136, 183, 185, 215-216, 220, 317-318

codes of, 96, 103, 263-264, 317



Cambridge University Press 978-1-107-10278-1 - Legal Perspectives on Security Institutions Edited by Hitoshi Nasu and Kim Rubenstein Index More information

> Convention for the Suppression of conduct, (cont.) decisions, 331 Unlawful Acts against the of international security institutions, Safety of Maritime 15, 124, 128, 131, 140 Navigation, see SUA Conference on Security and Convention. Co-operation in Europe, 7 Convention on Biological Diversity, see confidential information, 221, 310 CBD. conflict prevention, 54 conviction(s), 325, 328, 331, 332 conflicts, 21, 38, 40, 44, 45, 52, 54-55, false, 327, 332, 334 287, 288, 289 cooperation, 75-76, 100, 103-104, 108, inter-state, 6, 176 176, 214, 250, 253, 315, 321 internal, 6, 99, 172 systematic, 77, 84 violent, 54, 56 technical, 20, 246 Cooperative Cyber Defence Centre of Congo; see also Democratic Republic of the Congol, 173, 176 Excellence (CCDCOE), 316 conscious orientation, 37, 45, 46 costs, 32, 62, 117, 164, 193, 324, 327, conscious response, 31, 43-44 328, 333, 334 conscious security, 12, 27, 28, 31-32, Council of Europe, 313 43 - 45Council of Ministers, see European creation, 42-45 Union, Council. Court of Justice of the European Union, realisation, 44, 46 74, 82-83 responses, 27-46 courts, 35, 76, 79, 132, 157, 328, 329 consciousness, 12, 30, 33-34, 37-39, 44-45 credibility, 164-165 collective, 11, 28, 33-36, 37, 39, 45 crews, 98, 101-102, 103, 108, 111, 119 sociology of human consciousness crime, 68, 70, 110, 111, 317, 323, 324, model, 28, 33, 37, 45 331, 333, 335 consensus, 55, 175, 177, 254, 265 prevention, 318 flexible, 20, 253, 264 criminal justice system, 331-332, 334, consent, 101, 108, 167, 169, 170, 178, 335 180, 187, 191-192, 221 crises, 22, 143-145, 148-149, 152-156, conservation, 284-285 157, 159-160, 270, 273, constant threat anticipation, 27, 31 294-295, 297 constitutional interpretation, 133, 135, critical infrastructure, 308, 311-312 140 cultural appropriateness, 273-274 constitutional procedures, 155, 157 cultural complexes, 28, 33, 39-40, 45 constitutions, 61, 66, 156, 193, 227 culture, 39, 40-41, 62, 65, 161, 255, 332 constitutive instruments, 13, 16, 19, 21, customary international law, 17, 110, 91, 134, 135, 181-182, 128, 130, 147 184-186, 188 CWC (Chemical Weapons constitutive treaties, 81, 169-170, 175 Convention), 223 consultation, 113, 114, 130, 217, 220, inspections under, 219-221 248, 253, 258 cyber action, 310, 311-312, 317 contract, 227-228 cyber attacks, 308-309, 310, 311-313, control, 38, 63, 67, 100, 102, 104, 149, 314, 319, 321 150, 227, 235-236 coordinated, 316 arms, 223 typology, 310-311 disease, 228, 231 and use of force, 23, 311-313



INDEX 393

cyber conduct, hostile, 310-312, 319 cyber espionage, 310, 312-313 cyber infrastructure, 309, 314, 317, 319, cyber operations, 310, 313, 314, 320, cyber security, 23, 308-309, 312, 315, 317, 319 counter-measures, 23, 319, 321 institutional design for, 313-316 institutions, 22, 308-322 legal challenges, 316-321 notion, 310-313 cyber space, 308-310, 311, 312-314, 319, 321 cyber threats, 308-309, 315 cyber warfare, 316, 320, 321 de-centred regulation, 12, 75 security regulation as, 84-93 de-securitisation of trade and territorial disputes, 248-266 death penalty, 333-334, 335 decision-making processes, 3, 136, 168, 199, 209, 253 institutionalised self-reflective, 12, 45, 46 defence, 31-32, 43, 45, 76, 88, 97, 172, 178, 315, 319 policy, 76, 89-90 deficits, 335-337 delegation of powers, 17 Democratic People's Republic of Korea, see DPRK. Democratic Republic of the Congo, 176 deployment, 16, 168, 171-172, 173-174, 175-177, 180 detention, 107-108, 335 costs, 110 developing countries, 274, 281, 286, development, 2, 3, 63, 72, 75, 77–78, 93, 173-174, 176, 234 economic, 8, 176 harmonious, 179, 313 of international law, 1, 97, 119 joint, 263 diplomatic services, 78, 80-81

disarmament, 5, 154 discretion, 89, 148, 150-151, 154, 261, 298 discrimination, 40, 53, 58, 72, 275, 280, 300, 302, 303 unjustifiable, 301, 303 diseases, 225, 227-228, 229, 230-231, 234-235, 324 control, 228, 231 Global Outbreak Alert and Response Network, 229, 231, 236 infectious, 6, 19, 99, 226, 228-229, 231 outbreaks, 19, 226-228, 229, 230-231, 233-234, 246, 247 disproportional punishment, 334 dispute settlement, 20, 263-264 ASEAN, 249-256 between member states, 256–263 institutionalised, 248, 263-264, 266 Dispute Settlement Body, see DSB. disputes, 20, 177, 221, 248-249, 250, 253-254, 255, 257-258, 260-263, 299 intramural, 249, 252 maritime, 249, 262 distribution, 245, 293, 300, 303-304, 306, 311 equitable, 234, 237, 245-246 Djibouti Code of Conduct, 96, 102–103 Trust Fund, 96, 103 domestic executives, 15, 143, 147 domestic government institutions, 8-9 domestic institutions, 190, 194, 313 domestic law enforcement, 309, 317, 321 domestic laws, 23, 79, 82, 106, 116, 125, 127-128, 136, 138, 158 domestic public law, 15, 134 donated vaccines, 245 DPRK (Democratic People's Republic of Korea), 209, 215-216, 218 DSB (Dispute Settlement Body), 257-258 duties, 68, 181-182, 220, 227, 228 EAERR (East Asia Emergency Rice

Reserve), 297, 303, 307



394 INDEX

East Asia Emergency Rice Reserve, see EAERR. East Timor, 57 Ebola Haemorrhagic Fever, 226, 229 ECOMOG (ECOWAS Ceasefire Monitoring Group), 174-175, 187 Economic and Monetary Community of Central Africa, see CEMAC. **Economic Community of Western** African States, see ECOWAS. economic development, 8, 176 economic integration, 75-76, 88, 252, 256 economic security, 2, 5, 43, 99 ECOWAS (Economic Community of Western African States), 8, 167, 169, 173, 175, 186 Ceasefire Monitoring Group, see ECOMOG. Protocol Relating to Non-Aggression, 173-175 EEAS (European External Action Service), 78, 80-81, 92 effect-based approach, 319 effective implementation, 22, 96, 102, 104 effective response, 188–189 Egypt, 16, 191-192, 194 elections, 65, 67, 165, 178 Elimination of Violence against Women (EVAW), 68 emergency amendments, 16, 188 emergency international law-making, 141-166 Security Council legislation as, 143 - 148emergency laws, 143, 145, 147 - 148domestic, 15, 143, 145, 148 theories, 15, 143, 165–166 emergency powers, 148, 159, 193 division between legislature and executive, 155-157 emergency rice reserve, 292, 293, 297, 299, 307

empowerment, women, 48, 52 energy, 2, 5, 308 nuclear, 205, 210 security, 19, 205 enforcement action, 222 international, 209, 218 military, 18 enforcement authority, 207-208, 218, 221, 223 environmental security, 2, 5, 43, 99 epidemics, 227, 231, 323-324, 335 epistemic virtues, 18, 19, 206, 224 equitable distribution, 234, 237, 245-246 EU, see European Union. EUPM (European Union Police Mission in Bosnia and Herzegovina), 90 European Coal and Steel Community, 75-76 European Commission, see European Union, Commission. European Communities, see European Union. European Council, 77, 79, 80, 81, 92 European Court of Justice, see Court of Justice of the European Union. European Defence Community, 75-76 European Economic Community, see European Union. European External Action Service, see EEAS. European Union, 8, 12-13, 73-82, 84, 86-88, 89-94, 109, 111, 248, 251 Commission, 76, 78, 80-81, 91, 92, 181 common commercial policy, 87, 93 common foreign and security policy, 8, 12, 73-94 demarcation of competences, 81-84 development, 75-81 common security and defence policy, 89-90 constructed collective selves, 27 Council, 76, 77, 79–82, 91

emergency situations, 106, 113, 131–132, 184, 306



Court of Justice of the European	facilities, 70, 213, 215, 216, 219–220
Union, 74, 82–83	nuclear, 208, 213, 215
EC pillar, 76	port, 98
European Council, 77, 79, 80,	undeclared, 213, 216, 220
81, 92	fair procedures, 139
European External Action Service,	false convictions, 327, 332, 334
see EEAS.	families, 27, 34, 69, 70, 275
High Representative for Foreign	family-response units, 70
Affairs and Security Policy,	FAO (Food and Agricultural
78, 79–81, 90–91	Organization), 22, 293, 305,
institutions, 12, 74, 77–79, 81–82,	324
87-90, 91, 92-93	as food security institution, 271-274
inter-governmental pillars, 76, 91	farmers, 22, 277–279, 283, 285, 290
law, 79, 82-83, 86	Northern, 291
Lisbon Treaty, 75, 77–79, 81, 83, 84,	rights, 22, 270, 274, 277-280,
86, 88	282–284, 285, 287, 289
Police Mission in Bosnia and	smallholder, 272, 283–284
Herzegovina, see EUPM.	Southern, 277–278, 290
Political and Security Committee, 91	farming practices, traditional, 22, 270,
security regulation as de-centred	277–278, 280, 285, 290
regulation, 84–93	FCCC (Framework Convention on
EVAW (Elimination of Violence	Climate Change), 324
against Women), 68	feminist approaches, 48, 51, 52
exclusive competence, 81, 87, 93	financial contributions, 242, 304
exclusive economic zones, 97, 260,	financial institutions, 92, 136
261–262	firearms, 114–115, 317, 325
executions, see death penalty.	flag states, 100, 108, 111, 114–117
executive branch, 144, 147, 155	flags, 95, 101, 106, 114–115
executive orders, 335	flexible consensus, 20, 253, 264
executives, 135, 143, 144, 148–149, 150,	flu, see influenza.
155, 157, 159–160, 164–165	FOMUC, 179–180
domestic, 15, 143, 147	food, 22, 269–277, 279, 287–288, 290,
exercise of public authority, see public	293, 296, 305
authority.	aid, 107, 304, 305, 306
expansion, 3, 4–5, 6–7, 9, 152, 185, 205,	crises, 271, 292, 293
270, 273, 310	global, 271, 273
expediency, 174–175	insecurity, 22, 271–272, 274,
political, 72	284, 293
export bans, 92, 294–296, 307	chronic, 21, 271–272, 293
export performance, 304	legal responses, 274–280
exporters, 293, 296, 300, 305, 307 exporting countries, 300, 324	short-term, 271–272, 293
	nutritious, 273–274
external threats, 324, 326	safety, 273 security, 5, 22, 43, 99
extra-legal actions, 160, 162, 163, 165	
extra-legal activities, 149, 159, 162, 164–165	crisis, 271, 273, 292, 295 critique of international response
extra-legal approach 159–165	to problem, 286–290 and FAO, 269–291
extra-legal powers, 160, 162	aliu 1'AO, 207-271



Cambridge University Press 978-1-107-10278-1 - Legal Perspectives on Security Institutions Edited by Hitoshi Nasu and Kim Rubenstein Index More information

> food, (cont.) General Assembly, 105, 154, 156, institutions, 271, 307 162-163, 166, 167, 196, 208, regional, 22, 295-298 276 and international intellectual general principles of law, 15, property rights protection, 123-140 269-291 and Art 38(1)(c) of the ICJ Statute, legal frameworks, 280-286 124 - 128measures, 305, 307 and rule of law, 128-130 national, 294-295 genetic resources, 280, 285-286 GISN (Global Influenza Surveillance problem, 21-22, 270, 273-274, 276, 288 Network), 237 re-definition, 273 GISRS (Global Influenza Surveillance regional, 292-307 and Response System), as security challenge in Southeast 237-238 Asia, 293-294 global administrative law, 18, 23, 123, 136, 138 Food Aid Convention, 305 Food and Agricultural Organization, global commons, 284-285 see FAO. global community, 27-28, 34 forced marriage, 68 global food crisis, see food, security, Foreign Affairs Council, 80, 91 crisis. global governance, 129, 138, 206, 241 foreign ministers, 172, 254, global health security, 225-247 255, 261 foreigners, 187, 323, 324-325, 336 and institutional legitimacy of formal legality, 15, 131, 133-134 WHO, 243-245 and WHO, 227-233 fragmentation, 21, 277, 288, 289 Framework Convention on Climate Global Influenza Surveillance and Change (FCCC), 324 Response System (GISRS), France, 106 237 - 238Global Influenza Surveillance Network free trade, 287, 301, 307 agreements, 283, 288 (GISN), 237 freedom, 1, 29, 68, 164, 198, 325, Global North, 56, 58, 59, 290-291 328, 334 Global Outbreak Alert and Response functional separation of powers, 135, Network, 229, 231, 236 139 global security environment, 38, 42 fundamentalism, 47 Global South, 22, 50-51, 269-273, 277, 280, 282-283, 284, 286, 288, **GATT** (General Agreement on Tariffs 290-291 and Trade), 257-258, 299, governance, 57, 75, 86, 241, 247 300, 301-302, 303, 305 global, 129, 138, 206, 241 Gaza, 16, 191, 194, 197-201 government procurement, 302 Government Purchase Agreement, see gender, 48, 49, 51-52, 53, 58, 71-72,337GPA. bias, 12, 59 governmental apparatus, 323, 333, 334, justice, 12, 47-72 336 Afghanistan, 65-71 governments, 85, 113, 225-226, 235-237, 239, 243-244, as hostage of geopolitics, 65-71 General Agreement on Tariffs and 294-295, 304, 326, 328-329 Trade, see GATT. Israeli, 191-193, 198



> INDEX 397

regional, 266 transitional, 65, 172-173 GPA (Government Purchase Agreement), 302-303 guidelines, 77, 100, 101, 115, 228, 275, 329 guilty persons, acquittal, 331 Gulf of Aden, 13, 96–97, 101, 103–104, 106-107, 111 Hamas, 197-199, 200 harmonious development, 179, 313 health, 52, 225, 226, 240, 245, 247, 272, 275, 303, 335 security, 2, 5, 99, 232-233, 240 global, 225-247 high-income countries, 237, 243 High Representative for Foreign Affairs and Security Policy, 78, 79-81, 90-91 hostages, 65, 103, 105, 109, 117 hostile cyber conduct, 310-312, 319 hostilities, 23, 90, 91, 200, 310, 314, 320, 322 human health, see health. human pandemic, 237-238 human rights, 44, 47-48, 91, 162, 199, 287, 298, 317-318 human rights, activists, 59, 67 Human Rights Council, 198 human security, 5, 43, 95, 99, 104, 119 hunger; see also food, security; food, insecurity, 271, 274 IAEA (International Atomic Energy Agency), 8, 19 authority, 216, 218 and comprehensive safeguards, 210 - 214Director General, 215-216, 218

ICJ (International Court of Justice), 15, 124, 128, 157-158, 181, 183-185, 259, 260-261, 262, ICTY (International Criminal Tribunal for the former Yugoslavia), 139, 183 identities, 31, 36, 49-50, 57-58 narrative, 35 national, 50, 55, 58-59 shared, 57 identity politics, 49, 50, 51, 64, 71 IHR (International Health Regulations), 8, 19, 226-227, 230-231, 234-236, 240, 242-243, 246 framework, 230-231, 235, 242, 243 revised, 234, 236, 241-242, 244, 246 revision process, 233, 242 IMB (International Maritime Bureau), 113 imminent attacks, 105, 107, 109, 113 imminent threats, 144, 319 IMO (International Maritime Organization), 13, 96-98, 100-103, 104, 105-108, 111, 113, 114, 116, 118 initiatives in building maritime security institutions, 100-104 Maritime Safety Committee, 115-116 implementation, 80-81, 83, 249, 251, 254, 256, 297, 298-299, 303, 306 effective, 22, 96, 102, 104 implied powers, 82, 170, 172, 180, 181, 183-184, 188 India, 50, 53, 59, 109, 226, 257, 293, 294 Indian Ocean, 96, 102, 115 individuals, 28-30, 32-35, 36, 38-40, 50-51, 137-138, 164, 165, 272, 274 legal positions, 137 Indonesia, 109, 132, 237, 258-262, 293

infectious diseases, 6, 19, 99, 226,

228-229, 231

outbreaks, 19, 226, 228, 229, 231

legal authority to conduct on-site

and nuclear non-proliferation

regime, 207-210 and Security Council, 221-223

and legitimacy, 205-224

verification, 209

inspections, 214–221



Cambridge University Press 978-1-107-10278-1 - Legal Perspectives on Security Institutions Edited by Hitoshi Nasu and Kim Rubenstein Index More information

> institutional responses, 2, 14, 22, 24, 53, 143, 168, 292, avian influenza virus, 226, 232, 247 pandemic, 237, 242-243, 244, 245 323, 324 vaccines, 234, 237, 242, 243, 246 institutional settings, 11, 13, 16, 18, 200, viruses, 237 information, 206, 215, 233, 236, 242, institutionalisation, 1-2, 10, 54, 65, 96, 246, 310, 312, 315, 316 116, 119, 264-266 confidential, 221, 310 ASEAN, 249-256 infringements, 82, 265, 326-328, 335 institutionalised dispute settlement, inherent powers, 170, 182-184, 188 248, 263-264, 266 insecurity, 12, 29, 56, 59, 62, 272, 274 institutionalised government action, 333, 335 cyber, see cyber security. food, see food, insecurity. institutionalised self-reflective inspections, 216, 217-222 decision-making processes, challenge, 220 12, 45, 46 on-site, 206-207, 209, 212, 214-219 institutions, 1, 2-5, 7-9, 13-15, 16-17, routine, 215 20-21, 83-84, 168, 179-183, short-notice, 220, 221 188 - 191under Chemical Weapons domestic, 190, 194, 313 Convention, 219-221 domestic government, 8-9 inspectors, 213, 215, 217, 218, 220-221 financial, 92, 136 instability, 6, 176-177, 334 food security, see food, security, institution building, 12, 22-23, 57 institutions. institutional action, 183-184, 188 inter-governmental, 1, 9 institutional approach, 20, 249, 263 international, 13, 16-18, 123, 128, institutional arrangements, 36, 111, 129-130, 136-138, 168, 170, 165, 324 180-182, 190-191 institutional authority, 170, 178, 214, legal, 14, 252-253 private, 9, 118 institutional competence, 14, 16, 73–94, regional, 16, 167-168, 188, 256, 168, 169, 171, 175, 180-184, 185-186, 188, security, see security, institutions. institutional design, 248, 253 social, 1, 330 for cyber security, 313-316 insurance, 116, 117 institutional developments, 2, 9, 13, 23, integration, 44, 75, 89, 93, 178 104, 118, 183, 188, 255, 309 economic, 75-76, 88, 252, 256 institutional evolution, 10-13, 14, 16, integrity, territorial, 4, 43-44, 92, 99, 19-21, 25-119, 223, 226 254 and peacekeeping institution, intellectual property rights, 22, 237, 167 - 189239, 241 WHO, 233-240 and food security, 269-291 institutional legitimacy, 17-19, 20, 207, holders, 270, 282, 285 intentions, 3, 35, 36, 37, 85, 182-183, 224, 243-244, 246, 247, 249, 289 223 WHO, 243-245 inter-governmental institutions/ institutional practices, 55, 182 organisations, 1, 9, 96, 100, 102, 117, 207, 241 institutional processes, existing, 11-12, 49 interest groups, 47, 56, 62



INDEX 399

interests, 4, 20-21, 84, 99, 111, 129, 140, 323, 324, 330 common, 57, 119, 181 legitimate, 282, 301 political, 186, 207 internal conflicts, 6, 99, 172 International Atomic Energy Agency, see IAEA. International Code of Conduct for Private Security Service Providers, 116, 318 international community, 54, 55, 108, 119, 147, 222-223, 229, 230, 236, 246 International Convention for the Protection of New Varieties of Plants, see UPOV Convention. International Convention for the Safety of Life at Sea, see SOLAS Convention International Convention on Cybercrime, 313 International Court of Justice, see ICI. International Criminal Court, 36 International Criminal Tribunal for the former Yugoslavia, see ICTY. international enforcement action, 209, 218 international food aid, 305 International Health Regulations, see IHR. international institutional law, 13, 16, 168, 188 international institutions, 13, 16-18, 123, 128, 129-130, 136-138, 168, 170, 180–182, 190–191 international law, 3, 9, 14–15, 16–21, 119-124, 127-130, 133-134, 135, 174-175, 269-270 of armed conflict, 309, 317, 321 binding norms, 15, 125 customary, 17, 110, 128, 130, 147 development, 1, 97, 119 frameworks, 23, 270, 277

new legal order, 82, 86-87, 93 sources, 124-126, 136, 139, 140 subjects, 128-129, 137 traditional rules, 76, 314 international legal order, 79, 170 International Maritime Bureau (IMB), 113 International Maritime Organization, see IMO. international maritime security institutions, 13, 95-119 international organisations, 8, 66, 69, 86, 88, 127-130, 139, 160, 251, 256 international peace, 6, 108, 123, 154, 167, 222 maintenance, 153, 197 International Police Task Force (IPTF), 90 international public authorities, 1, 137, 321 international security, 2, 66, 119, 223-224, 232 institutions/organisations, 15, 62, 70, 123-124, 128, 131, 133, 134-136, 139-140 source-based approach to regulation, 123-140 law, 43 threats, 124, 143, 232 regulation of responses, 131-140 international supply, 300 international terrorism, 146, 151 international trade, see trade. International Treaty on Plant Genetic Resources for Food and Agriculture, see ITPGRFA. International Undertaking on Plant Genetic Resources, 277–279 interpretation, 13-14, 62, 67, 124, 134, 135, 180, 182-183, 188, 195 interpretive principles, 15, 134–136 intramural disputes, 249, 252 investigative authority, 207-208, 223 IPTF (International Police Task Force), Iran, 50, 109, 209, 210, 217, 219, 221 Iraq, 42, 209, 212-213



Cambridge University Press 978-1-107-10278-1 - Legal Perspectives on Security Institutions Edited by Hitoshi Nasu and Kim Rubenstein Index More information

> Islam, 59, 62-63, 64 legal authority, 19, 23, 170, 206–207, Israel, 16, 40, 191-199, 200-201, 209, 211, 214, 219-220, 221, 218 1967 armistice line, 194-197 legal basis, 82, 134, 168, 169-170, 172, ancient, 50 174, 177, 180, 188, 218 borders, 16, 190-201 legal obligations, 142, 276 Israeli-Egyptian border, 191-194, international, 141, 205 legal order, 79, 87 Israeli-Gaza border, 197-200 international, 79, 170 government, 191-193, 198 new, 87, 93 Knesset, 192–193 legal restrictions, 14, 23, 154, 184, 188, naval blockade, 198, 200 193, 322 Italy, 106, 115 legal systems, 12, 15, 73-74, 86, 88, 93, ITPGRFA (International Treaty on 125, 137-138, 145, 148 Plant Genetic Resources for legality, 131-134, 140, 168, 169, 174, Food and Agriculture), 279, 175, 177, 200 281, 284, 286 formal, 15, 131, 133-134 thin veneer of, 131, 148, 150 Japan, 41, 106, 109, 132, 258, 293, legislative activity, 15, 143, 148, 149, 302-303, 313 150, 154-155, 156, 158, 159, Jefferson, Thomas, 162-163 166 judicial review, 15, 18-19 legislative branch, 147, 155-156 Security Council legislation, 157-159 legislative competence, 74, 79, 82, 88 Jung, Carl, 28, 33, 37-39, 41, 44 legislative powers, 84, 145, 147, jurisdiction, 83, 88-89, 95, 98, 101, 108, 156, 166 legislative resolutions, 15, 142, 110, 181, 183, 185 justice, 48, 51, 68, 74, 82-83, 160-161, 145-148, 149, 151-153, 154, 325-326, 330, 331-333, 337 158-159, 162-163, 166 gender, see gender, justice. legislatures, 143, 145, 155-156, global, 207 162-164, 326, 327, 328, 329 social, 332 legitimacy, 17-20, 130, 139-140, 176, 178, 203-266, 288, 289 Knesset, 192-193 ASEAN (Association of Southeast knowledge, 51, 316, 325, 327 Asian Nations), 248–266 Korea and IAEA, 205-224 Democratic People's Republic of, see institutional, 17-19, 20, 207, 224, DPRK. 243-244, 246, 247, 249, 289 Republic of, see Republic of Korea. legitimate interests, 282, 301 Kosovo, 18, 57, 133 Liberia, 8, 53, 174, 186 Crisis, 174, 175 Lagos Accord, 171, 173 liberties, 13, 61, 325–326, 327–328, 329, language, 28, 33-35, 36-37, 39, 42, 84, 330, 334 195, 247, 252, 318 of citizens, 324, 328-330, 332 civil, 1, 323-325 Lashker-e-Islam (LeI), 60 law-making, 15-16, 143, 145, 150, 154, Lincoln, Abraham, 144 Lisbon Treaty, 75, 77-79, 81, 83, 84, 166 powers, 143-145, 147, 148, 149, 151 86, 88 law of armed conflict, 310, 314, 320, 322 local security institutions, 12, 49



INDEX 401

Locke, John, 160 low-income countries, 234, 235, 238–241, 242, 243, 244–245

Madison, James, 160
maintenance of international peace and security, 153, 197
Malaysia, 109, 257, 259, 261–262
malnourishment eradication programme, 304, 305
marine insurance, 116–118
marine pollution, 95, 100
maritime disputes, 249, 262
maritime safety, 96, 97–98, 100, 104
Maritime Safety Committee, 115–116
maritime security, 95, 97–100, 102, 104, 118
common goal of protecting, 13, 118
companies, 116

contemporary notion, 97–99 institutions, 13, 96 IMO initiatives, 100–104 threats, 95, 119 masters of vessels, *see* shipmasters. medications, antiviral, 234, 242, 243 merchant ships, 101, 107, 113, 115 meta-awareness, 35 military action, 17, 172, 174, 184, 200,

321 military enforcement action, 18 military force, 4, 49, 108, 175, 323 military intervention, 49, 109, 177, 186 military operations, 23, 42, 178, 200, 316, 320

military resources, 115, 200 mixed agreements, 87 moral virtue, 161–162 mullah-military nexus, 59, 61, 64 Mutual Defence Protocol, 173–175 Myanmar, 216–217, 253

nation-building, 54–55, 57–59, 72 nation-states, 27, 29–30, 33–34, 36, 37, 42–43, 49, 123 national borders, *see* borders. national governments, *see* governments. national identity, 50, 55, 58–59 national security, 14, 99, 105, 119, 199, 312

threats, 2, 200

NATO (North Atlantic Treaty Organization), 6, 109, 133, 315–316, 324

natural resources, 99, 262–263 naval blockade, 191, 199–200 neo-institutionalism, 252 networks, 231, 238–239, 310–311,

315 neutrality/impartiality, 167, 169 new legal order of international law, 82,

86–87, 93 new security threats, 13, 43, 133 non-compliance, 19, 205–206, 207–209, 211, 214, 217–218,

221, 222–223, 231, 254 non-discrimination; *see also* discrimination, 137, 139, 214, 299, 302

non-governmental organisations, 62, 68, 96, 100, 102, 105, 112, 115, 117, 118

non-interference, 172, 252, 254–255 non-international armed conflicts, 314, 320, 321

non-nuclear-weapon states, 2, 19, 210–211, 213, 223

non-proliferation regime, nuclear, 1, 205–224

Non-Proliferation Treaty, see NPT. non-state actors, 105, 128, 131, 146, 153, 241

non-traditional security issues, 8, 43

normative authority, 227, 244 normative documents, 124, 134–135 norms, 3, 9, 14, 140, 149, 237, 239, 241, 253, 254

abstract, 152–153

international, 71, 136, 138 North, Global, 56, 58, 59, 290–291

North Atlantic Treaty Organization, see NATO.

NPT (Non-Proliferation Treaty), 4, 205, 210–211, 215, 217–221, 223



402 INDEX

nuclear activities, 208, 211, 213, 214-215, 216, 222 peaceful, 212 nuclear energy, 205, 210 nuclear facilities, 208, 213, 215 nuclear fuel cycle, 213, 216 nuclear material, 205, 207-212, 215, 216 nuclear non-proliferation regime, 1, 205 - 224and IAEA (International Atomic Energy Agency), 207-210 nuclear power plants, 312-313, 319 nuclear safeguards, 205, 207, 211, 223 nuclear threats, 209, 223 nuclear-weapon states, 207, 210 nuclear weapons, 2, 43, 99, 181, 206, 208-210, 212, 216, 220 nutritious food, 273-274 OAS (Organization of American States), 169 OAU (Organisation of African Unity), 167, 170-172, 187 objective security, 29-31, 32-33, 37 OECD (Organisation for Economic Co-Operation and Development), 296 offences, 101, 108, 110, 114, 313, 325, 333 officials, 326, 328-329, 331 on-site inspections, 206-207, 209, 212, 214-219 evolution of power, 214-219 and inspections under Chemical Weapons Convention, 219 - 221legal authority to conduct, 214 - 221ontological security, 27, 31 ONUC (UN Operation in the Congo), 173 OPCW (Organisation for the

Organ on Politics, Defence and Security, see OPDS. Organisation for Economic Co-Operation and Development, see OECD. Organisation for the Prohibition of Chemical Weapons, see OPCW. Organization for Security and Cooperation in Europe (OSCE), 2, 7-8Organisation of African Unity, see OAU. Organization of American States (OAS), 169 Pakistan, 47, 49, 50, 51, 56-57, 58-59, 60-62, 63, 64, 71-72 Malakand, 60, 62 Swat, 60, 62 unholy alliances, 58-65 Pakistani Taliban, 59-61, 62 Pandemic Influenza Preparedness Framework, see PIPF. pandemics, 242, 243, 245 human, 237-238 partnerships, public-private, 20, 242, 315 passive protection measures, 112-113 patents, 281-282, 286 PCASP (privately contracted armed security personnel), 105, 113-117 peace, 7, 52-54, 60, 62, 145, 149, 151, 156, 174, 176 accords, 60-61, 191-192 international, see international peace. threat to the, 151-152 peacebuilding, 12, 54, 57, 65 peaceful nuclear activities, 212 peacekeepers, 16, 53, 56, 170, 173, 179, 185 peacekeeping, 16, 53, 167-169, 170, 172-173, 179, 188 doctrines, 172-173, 187 forces, see peacekeepers. institution and institutional evolution, 167-189

Prohibition of Chemical

Weapons), 219-221

OPDS (Organ on Politics, Defence and

Security), 176–178



> INDEX 403

as institutional evolution, 169-170 and institutional evolution in Africa, 170 - 180operations, 8, 11, 167-170, 179, 186 practices, 167-168, 169-170, 181, 184, 188 role as security institution, 184-188 traditional, 16, 189 People's Republic of China, see PRC. Permanent Court of International Justice, 181 pharmaceutical companies, 237, 238-240, 242, 243, 244-245 Philippines, 153, 257-259, 262, 294 PIPF (Pandemic Influenza Preparedness Framework), 19-20, 226-227, 234, 237-240, 241, 242, 243, 244, 245, 246 piracy, 8, 13, 95-99, 101-108, 110-113, 114, 115, 117-119 attacks, 101-102, 103-104, 107, 109 **BMPs** (Best Management Practices for Protection against Somalia-Based Piracy), 112, 119 incidents, 103, 108, 109, 115 legislative and administrative measures, 105-107 marine insurance, 116-118 passive protection measures, 112-113 private initiatives against, 111-118 protection of ships from imminent attacks, 107-109 public initiatives against, 104-111 punishment, 110-111 seizure and arrest, 109-110 self-defence measures against imminent attacks, 113-117 pirate ships, 108, 109 pirates, 103, 105, 107, 108-111, 112-113, 117 plague, 226, 229-230, 234 plant breeders, rights, 278, 281, 283 plant genetic resources, 277-279, 281, 284 - 285

plant varieties, 281, 283 plants, 278, 281, 283-284 police, 69-70 Afghanistan, 66, 68, 69-71 family-response units, 70 female officers, 53, 70-71 political communities, 55, 57-58 political conditions, 16, 200, 201 political expediency, 72 political interests, 186, 207 politicians, 54, 59, 62, 64, 328-329 politics, 48, 72, 176, 178, 186 identity, 49, 50, 51, 64, 71 pollution, 98, 336 marine, 95, 100, 104 ports, 98, 103, 115, 235 post-conflict situations, 54 poverty alleviation, 176, 304, 305 power grid, 308, 312 power relations, 51, 56, 58 powers, 17, 89, 147-149, 155-156, 160-162, 166, 181, 183-184, 326, 328 abuse of, 137, 139 delegation of, 17 emergency, 148, 155-156, 157, 159, 193 expanded, 329 extra-legal, 160, 162 functional separation of, 135, 139 implied, 82, 170, 172, 180, 181, 183-184, 188 inherent, 170, 182-184, 188 law-making, 143-145, 147, 148, 149, legislative, 84, 145, 147, 156, 166 on-site inspection, 209, 214-219 separation of, 17, 139 unlimited, 149 PRC (People's Republic of China), 109, 258, 262-264, 293, 302, 309, 316 prevention, 52, 100, 102, 104, 105, 110, 210, 227 preventive measures, 113 principles of constitutional interpretation, 135



404 INDEX

private actors, 13, 23, 96, 105, 116, 118, principles, 15, 127 public order, 99, 105, 144 private cyber security institutions, 23, restoration, 104-105, 111 310, 315, 319, 321-322 public-private partnerships, 20, 242, private cyber security providers, 22-23, 315 309, 316-317, 318-319, punishment, 62, 65, 67, 105 320-321 disproportional, 334 role, 22, 309, 316 piracy and armed robbery at sea, private initiatives, 13, 95-97, 105, 110 - 111111-112, 119 pursuit of security, 12, 28, 42, 45-46 against piracy and armed robbery at regime collision, 20-23, 267-337 sea, 111-118 private institutions, 9, 118 Regional Cooperation Agreement on private law, 117, 126-127 Combating Piracy, 103 regional food security, 292-307 private military and security regional governments, 266 companies, 105, 113, 316, 321 private regulation, 318 regional institutions, 16, 167-168, 188, private sector, 107, 114, 115, 118, 309, 256, 307 315 regional organisations, 16, 100, 108-109, 169-170, 185-186, private security providers, 316–318, 320 privately contracted armed security 188, 254, 257, 264 regional peace, 174, 175, 252 personnel, see PCASP. procedural limits, 156-157 regional security, 173, 206, 248 property, 18, 32, 108, 109, 154, 217, 319, regional states, 111, 118, 168, 186, 188, 325, 326-327 249, 250, 264, 297 intellectual, see intellectual property regionalism, 85, 252, 253 regulation, 60, 62, 64, 73-74, 84-85, rights. proportionality, 84, 288 302, 304, 314, 316, 321 prosecution, 110-111, 326-327 de-centred, 12, 75, 84, 91, 93 prosecutors, 69, 164 of international security institutions, protection measures, passive, 112, 113 123, 140 Protocol Relating to Non-Aggression, private, 318 religion, 39, 42, 47, 50, 59, 62, 63, 65, 67, 173-175 psyche, 33, 38-39, 40-41 337 psychic contents, 11, 38 religious communities, 50 public authority, 3, 18, 207-208 religious elites, 52, 59, 72 public health, 228, 233, 235, 247, 282 religious laws, 63, 129 see also health. representations, collective, 27-28, emergencies, 229, 241, 244 34-35, 36, 42 issues, 20, 232 representative citizen, 325, 326-327, public initiatives, 104–105 334 against piracy and armed robbery at Republic of Korea, 109, 153, 259, 293, sea, 104-111 302-303 public institutions, 118, 314, 315 resources, 37, 48, 209, 212, 228, 243, public international law, 269, 277, 314 263, 282 public law, 3, 14, 73, 86, 117, 127 economic, 118 domestic, 15, 134 genetic, 280, 285-286 enforcement, 119, 318 natural, 99, 262-263



INDEX 405

SADC (South African Development plant genetic, 277-279, 281, Community), 167, 169, 284-285 responsibilities, 69, 77, 81, 215, 220, 176-178, 186 222, 225, 228, 323, 331 safeguards, 105, 176, 207, 210-212, 214, restrictions, 1, 3, 22, 62, 68, 236, 243, 222-223, 324, 329 299, 302, 329 comprehensive, 19, 206, 210-212, 213, 215, 217, 218-219 disguised, 301, 303 legal, 14, 23, 154, 184, 188, implementation, 207, 210, 219 193, 322 nuclear, 205, 207, 211, 223 review, 83, 98, 124, 130, 136, 137, 158, safeguards agreements 166, 226, 231 comprehensive, 19, 206, 210-211, judicial, 15, 18-19, 157-159 213, 215, 217, 218-219 rhetoric, 12, 16, 63, 66, 70-71, 188 safety, 32, 42, 95, 98, 100, 179, rice, 22, 292-307 245, 287 exports, 292, 294, 300 food, 273 origin, 299-303 maritime, 96, 97-98, 100, 104 price spikes, 292, 295, 298 Schmitt, Carl, 15, 143, 148, 153-154, prices, 292, 293-294, 296, 297, 304 155, 157, 159 sea, 13, 95, 96-97, 98-99, 101, 104-105, producers, 304-305 release and distribution, 303-306 108, 110, 111, 118 reserves, 22, 297-298, 300, 304 high seas, 97, 106, 108, 110 see also APTERR. territorial seas, 101, 106, 110, 115 stockpiled, 303, 305-306 securitisation, 11, 17, 20, 64, 226 and WTO rules, 298-306 security rights, 48, 51, 66, 275, 278-279, 282, agendas, 7, 53, 265 284, 285, 323–325, 336 challenges/issues, 2, 3, 9, 11-12, 14, deficits, 335, 336-337 19, 21, 188, 194, 201 collective, 44, 45, 99 basic, 333, 334, 335-336, 337 human, see human rights. common, 5, 104 intellectual, see intellectual property community, 266 rights. companies, 32, 105, 113, 316, 321 plant breeders, 278, 281, 283 maritime, 116 sovereign, 82, 86, 97, 262, 287 conscious, see conscious security. rights-based approach, 51, 271 cooperation, 176, 264, 266 risk, 42, 43, 151, 220, 221, 223, 229, 230, cyber, see cyber security. 235-236, 320 economic, 2, 5, 43, 99 assessment, 113, 116, 235 environment, 9, 11, 37, 38, 45 robbery, armed, see armed robbery at global, 38, 42 environmental, 2, 5, 43, 99 Roman commissarial dictatorship, 155, expanded conception, 1 157 food, see food, security Roosevelt, Franklin, 144 health, see health, security human, 5, 43, 95, 99, 104, 119 routine inspections, 215 rule of law, 13-17, 18, 121-201 imperatives, 16, 188 and general principles of law, institution building, 11, 28, 42 128-130 and institutional evolution, 10-13 Russia, 40, 91-92, 109, 221, 294, 316 institutions, 2, 3-5, 14-15, 18-19, 47, 49, 267, 271, 288, 289



> 406 security (cont.) legislative, 15, 142, 145-148, 149, anti-state, 62-63 151-153, 154, 158-159, cyber, see cyber security, 162-163, 166, 279, 284, 285, institutions. definition, 3-9 self-defence, 114, 167, 314, 317-319, 321 international, 15, 62, 70, 123-124, measures against imminent attacks, 113-117 128, 131, 133, 134-136, 139 - 140scope, 23, 318, 321 maritime, 13, 95, 97, 100, 104 self-reflectivity, 28, 35 local, 12, 49 separation of powers, 17, 139 functional, 135, 139 private cyber, 23, 310, 315, 319, 321-322 shared competences, 81, 83 traditional, 6, 208 shared identity, 57 international, see international shared policies, 13, 96 ship operators, 101, 114-116, 119 security. literature, 5, 29, 30 shipmasters, 101, 112-113, 114, 116, maritime, see maritime security. 119 national, see national security. shipowners, 101, 112, 113–116, 119 objective, 29-30, 32-33, 37 shipping industry, 96, 105, 114, 115, 117 ontological, 27, 31 shiprider agreements, 109-110 ships, 7, 95-99, 100-108, 109-110, 112, paradigms changing, 2, 4, 9-10 113-117, 119 see also armed policies, 1, 32, 42, 75, 77-78, 80-82, robbery at sea; piracy. 84 governmental, 109, 113 pursuit of, 12, 28, 42, 45-46 merchant, 101, 107, 113, 115 pirate, 108, 109 regional, 173, 206, 248 regulation, 73-74, 90 short-notice inspections, 220, 221 Sinai, 169, 191-193 de-centred, 12, 75, 84-93 resource, 2, 5 Singapore, 103, 257, 302-303 sites, 213, 216-218, 221 responses, 28, 31, 42–43 declared, 213 unconscious, 27, 31-32, 37, 43, 45 undeclared, 214, 218, 221 Six Day War, 191, 194-196 subjective, 31, 33 threats, 1-2, 11, 15, 16, 131-132, 134, SMTA2s (Standard Material Transfer 329-330, 333-334, 336, 337 Agreements, 2), 244 transition, 67-68 Social and Cultural Rights, 275-277 unconscious, 11-12, 27, 31-32, 33, social conditions, 1, 51 41, 43, 45 social institutions, 1, 330 women, 48, 53, 71 social justice, 332 Security Council, 6–7, 15–16, 101, public criterion of, 330 society, 49, 50, 55, 57-58, 85, 164, 165, 108-109, 132-133, 141, 330, 336, 337 142-166, 184-185, 207-208, 221-223 sociological model, 36 authorisation, 18, 54, 110 sociology, 33-34, 37, 45, 48 and IAEA, 221-223 SOLAS Convention (International resolutions, 14, 66, 109, 118, 132, Convention for the Safety of 141-142, 164 Life at Sea), 98, 100



INDEX 407

solidarity, 48, 50 Somali pirates, 111, 117 Somalia, 101, 103, 107-108, 110-111, 113, 118 coast of, 13, 97, 101, 103-104, 105-108, 109, 111-113, 117 territorial waters of, 107-108, 109 sources, 8, 124-127, 129-130, 234, 236, 241, 245, 255, 261 of international law, 124-126, 136, 139, 140 South, Global, 22, 50–51, 269–273, 277, 280, 282-283, 284, 286, 288, 290-291 South Africa, 176, 178, 187, 259 South African Development Community, see SADC. South China Sea, 103, 260, 262-264 Southeast Asia, 20, 248-266 food security as security challenge, 293-294 and institutional imperative, 263-265 Southern African Development Community, 176 sovereign rights, 82, 86, 97, 262, 287 sovereignty, 74, 78, 92, 94, 97, 214, 252, 254, 260, 262 blended, 74, 78, 80, 84, 87, 88, 93 territorial, 255, 260 Soviet Union, former; see also Russia, 7, 209, 229 special inspections, 213, 215-217, 220, 221 Special Rapporteur on the Right to Food, 272, 276–277, 279, 286, 288-289 Standard Material Transfer Agreements, 2, See SMTA2s. state-building, 54–58, 59, 65–66, 71 - 72state-building policies, 57, 59 state-centric perspective, 4, 75, 86 SUA Convention (Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation), 98, 101, 110

subjective security, 29-31, 32, 33, 37 subjects of international law, 128-129, 137 subsidies, 291, 304-305, 306 agricultural, 295-296 sui generis systems, 281, 283 supply, 243, 245, 273, 292, 294, 300-301, 304, 324 international, 300 local short, 300, 302 supremacy, 74, 82-83, 137, 139 suspected pirates, 105, 109, 110, 114 suspected terrorists, 324 Swat, 60, 62 Syria, 33, 214, 217-218, 223 systematic cooperation, 77, 84 Tadić case, 139, 183 Taliban, 56, 59-60, 66, 70, 71, 154 Taylor, Charles, 175 technical assistance, 228, 235-236 technical cooperation, 20, 246 technology, transfers, 238, 239, 242, 245 Tehrik-i-Taliban Pakistan (TTP), 60 teleological approach, 13, 311 territorial disputes, 20 bilateral, 259, 261 de-securitisation, 248-266 territorial integrity, 4, 43-44, 92, 99, 254 territorial seas, 101, 106, 110, 115 territorial sovereignty, 255, 260 territorial waters, 97, 107, 262 of Somalia, 107-108, 109 terrorism, 8, 14, 66, 98, 99, 117-118, 131, 323-324, 328 international, 146, 151 terrorist acts, 99, 118, 321 terrorist attacks, 2, 14, 97, 101, 131, 230, 232, 333, 335, 337 terrorists, 14, 200, 331 suspected, 324 TEU (Treaty on European Union), 76–77, 79, 81–84, 88, 89

TFEU (Treaty on the Functioning of

79, 81, 83, 89

the European Union), 76-77,



Cambridge University Press 978-1-107-10278-1 - Legal Perspectives on Security Institutions Edited by Hitoshi Nasu and Kim Rubenstein Index More information

> TRIPS (Trade Related Aspects of TFG (Transitional Federal Government), 107-108 Intellectual Property Rights), Thailand, 257-258, 260-262, 22, 270, 277, 279, 281–283, 300, 305 285-288, 290-291 threat management, 27, 31 troops, 171-172, 175, 176, 179, 187, obsessive, 32, 46 197, 261 threats, 4, 30-32, 43-44, 108, 145-146, TTP (Tehrik-i-Taliban Pakistan), 60 151, 156-157, 222-223, 232, 323-324 Ukraine, 90, 91-92 cyber, see cyber threats. UMRs (Usual Marketing external, 324, 326 Requirements), 305 imminent, 144, 319 UN, see United Nations. nuclear, 209, 223 UNCLOS (United Nations Convention perceived, 30-31 on the Law of the Sea), 95, 97, potential, 32, 45 107-108, 109-110, 249, security, see security, threats. 262-263 to the peace, 151–152 unconscious material, 12, 27-28, trade, 20, 22, 234-235, 249, 250, 277, 30-32, 33, 36-37, 38, 39, 281, 299, 301, 303 42-43, 44-46 de-securitisation of disputes, unconscious responses, 32, 43, 45 248-266 unconscious security, 11-12, 27, 31-32, free, see free trade. 33, 41, 43, 45 law, 22, 86, 269, 273, 276, 286-287, responses, 27-46 291, 307 undeclared facilities, 213, 216, 220 Trade Related Aspects of Intellectual undeclared sites, 214, 218, 221 Property Rights, see TRIPS. UNDP (UN Development traditional farming practices, 22, 270, Programme), 5, 111 UNEF (UN Emergency Force), 169 277-278, 280, 285, 290 traditional knowledge, 278, 280, United Kingdom, 111, 131, 238, 316 289-290 United Nations, 90, 97-98, 99, traditional rules of international law. 104, 141, 167-168, 170, 172, 76, 314 198, 208 traditional security institutions, 6, Charter, 133, 134-135, 145, 149-152, 208 154, 156-157, 169, 183-184, traditions, 51, 57, 62, 63, 67 252, 255 training, 68-69, 71, 102 Convention on the Law of the Sea, transfers, 110, 111, 118, 127, 143-144, see UNCLOS. 147, 210, 214, 298 Development Programme (UNDP), technology, 238, 239, 242, 245 5, 111 Transitional Federal Government, see Emergency Force (UNEF), 169 TFG. General Assembly, 105, 154, 156, transparency, 15, 44, 136, 138, 156, 162-163, 166, 167, 196, 208, 302 276 Treaty of Amsterdam, 76, 79-80 Operation in the Congo Treaty on European Union, see TEU. (ONUC), 173 Treaty on the Functioning of the Security Council, see Security European Union, see TFEU. Council.



INDEX 409

Voluntary Principles on Security and

Special Rapporteur on the Right to Food, 272, 276-277, 279, 286, 288-289 United States, 41-42, 54, 144, 215, 218, 221, 257-258, 308, 313, 333-334 unlawful acts, 98, 101, 108 unlimited powers, 149 **UPOV** Convention (International Convention for the Protection of New Varieties of Plants), 278, 281, 282-284, 286, 287 US, see United States. use of force and cyber attacks, 23, 311-313 **Usual Marketing Requirements** (UMRs), 305 vaccines, 238-239, 243, 245 donated, 245 influenza, 234, 237, 242, 243, 246 verification, 208-209, 213-215, 219, 223, 240 Vienna Convention on the Law of Treaties (VCLT), 134, 152 Vietnam, 260, 262, 264, 293, 294, 300, 305 violence, 7, 67, 69, 91, 107-108, 223 acts of, 67, 101

gender, 49 virtues, moral, 161–162 viruses, 237–238

samples, 237, 238, 240

Human Rights, 316-317 vulnerability, 11, 32, 38, 45, 311, 312 weapons, 8, 32, 43, 46, 92, 114-116, 200, 229-230, 325-327 nuclear, 2, 43, 99, 181, 206, 208-210, 212, 216, 220 West Bank, 16, 191, 194, 198 Wolesi Jirga, 66-67 women, 12, 32-33, 46-49, 51-53, 61-62, 63-71, 72, 275 Afghan, 66-67, 69 empowerment, 48, 52 rights, 48, 51-53, 60, 66, 67-68, 72 security, 48, 53, 71 World Bank, 136 World Food Security Summit, 273 World Health Assembly (WHA), 227 World Health Organization (WHO), 2, 128, 225-247, 324 and global health security, 227-233 institutional evolution, 233-240 institutional legitimacy, 243-245 World Trade Organization (WTO), 2, 256-257, 266-269, 286, 287-288, 289, 291-292, 302, 306, 324 Dispute Settlement Body, see DSB. rules, 288-289, 299, 307 and rice, 298-306

yellow fever, 230, 234 Yugoslavia, former, 50, 183