

## INDEX

- actions. *see* illegal acts
- adjudication. *see* conflict resolution
- adjudicative norms
  - international law as 8, 27, 105, 107, 126, 151, 580
  - responsibility to protect as 658
  - treaty regimes as 531
- Advisory Opinions. *see* International Court of Justice
- Africa
  - European colonialism 78
  - peacekeeping 568, 632, 655
- aggressive wars. *see* war
- aid to developing countries 428
- Alexandrowicz, Charles Henry 15
- aliens. *see* nationality
- Annan, Kofi 373, 656
- applicable law
  - general principles of law 178
  - ICJ 564–567
- arbitration. *see* conflict resolution
- Asia
  - “Americanization” 5
  - gap with Western ideational power 5
  - material power 5
  - Siyar* System 67–69
  - Tributary System 64–67
- atmosphere. *see* environment
- banks. *see* international economic system
- Bedjaoui, Mohammed 468
- bellum justum*. *see* just war
- Bodin, Jean 196
- Boutros-Ghali, Boutros 638
- Bowett, D. W. 547
- Brown Weiss, Edith 514
- Brownlie, Ian 547
- Bull, Hedley 82
- Caroline* incident 615
- Carson, Rachel 480–482, 514, 530
- Cheng, Bin 154, 159, 161
- China
  - Confucianism 14, 363
  - as “economic superpower” 476
  - European global hegemony and 79
  - ideational power 4
  - Korea and 80
  - pre-modern system of norms 64–67
  - resurgence 4
  - share of global product
    - manufacturing 80
  - universalism 5
  - and West-centricity 1
  - Westernization 5, 477
- Christian (European) system
  - natural law 11
  - overview 69–70
- circumstances precluding
  - wrongfulness. *see* illegal acts
- civil society. *see* non-state actors
- civil wars
  - participants in international law 235–236
  - UN peacekeeping 629–634
- civilization
  - conceptions of 20
  - environment and 482–486, 504–505, 513, 520
  - essentialization of 419
  - expansion of European 523
  - as political entity 60
  - representation by ICJ 560

- transcivilizational perspective. *see* transcivilizational perspective
- world images 59
- “civilized nations,” meaning of 178
- climate change. *see* environment
- collective security
  - activities 644–650
  - criticisms 661
  - enforcement during Cold War 605–609
  - General Assembly 603–605
  - limitations 644–650
  - possibilities 644–650
  - Security Council 598–603
  - successes 644–650
  - US military interventions 661
- collective self-defense. *see* self-defense
- colonialism
  - European global hegemony 76, and international law 78
  - justifications 75
  - and self-determination 202, 352, 627–629
- commerce. *see* international economic system
- communicative function 51, 313, 550
- community interests. *see* global community interests
- companies. *see* corporations
- conference resolutions 169–171, 499
- conflict. *see* conflict resolution; use of force
- conflict resolution
  - about 534–535
  - arbitration 555–559
  - corporations 284, 547
  - customary international law 178, 565
  - diplomatic means 553–555
  - forums for 27
  - function of 26
  - International Court of Justice. *see* International Court of Justice
  - international law
    - as adjudicative norms 8
    - conflict resolution, dispute settlement and judicial settlement 579–584
    - enforcement 54
    - forums of international law 584–587
    - lack of judicial enforcement mechanism 27, 34
    - role of 49
  - interstate conflict settlement 535–540
  - judicial settlement. *see* International Court of Justice
  - law of the sea 326–328
  - non-adjudicative functions of international law 23, 27
  - “non-legal settlements” 548–550
  - Pacific Settlement of International Disputes
    - conflict resolution and international law 550–553
    - “non-legal settlements” 548–550
    - terminology issues 544–548
    - war, illegalization of 540–544
  - treaty systems 570–574
  - UN system
    - Security Council 574–577
    - Security Council, other than 577–578
  - war, illegalization of 540–544
  - WTO dispute settlement 443–445
- Confucianism 14, 363
- constitutional law
  - and customary international law 155
  - superiority 33, 123, 139
  - treaties and 139
- constructive function 52, 113
- consuls. *see* diplomacy
- continental shelf. *see* law of the sea
- corporations
  - of developing countries 471
  - dispute settlement 284, 547
  - foreign activities 449
  - nationality of 348
  - participants in international law 239–241
  - state expropriation 347, 451
  - transnational investment 442, 449
- countermeasures 623–624
- courts. *see* conflict resolution
- criminal law
  - extraterritorial application 220–224

- criminal law (cont.)
  - individual responsibility 287
  - international crimes concept 262
  - violations 246–247
- cultural exchange 13
- cultural heritage, protection of 492, 505, 514–524
- cultural perspective. *see* multi-centric/multi-civilizational perspective
- cultural power. *see* ideational power
- cultural/civilizational relativity 21
- customary international law
  - conflict resolution 178, 565
  - and constitutional law 155
  - general international law in relation to 149, 153–161
  - legitimacy 173
  - meaning of 105
  - and natural law 149–153
  - norm creation 162, 170, 175
  - persistence 153–159
  - problems 159–161
  - right of self-defense 615, 620
  - theories of 162
- damages for illegal acts 266–270
- Danilenko, Gennadii Mikhailovich 165
- De jure belli ac pacis* (Grotius) 7, 55, 71, 180, 248, 537
- deep seabed. *see* law of the sea
- Der Nomos der Erde* (Schmitt) 295
- developed countries
  - civil and political rights 381
  - courts, effectiveness 118, 545
  - direct investment 449
  - economic challenge of Japan and China 476
  - economic gap with developing countries 527
  - environmental protection 491, 498, 502
  - human rights 129, 412
  - humanitarian interventions 651
  - international economic system 430
  - law as adjudicative or prescriptive 107
  - nationality 342
  - NIEO 442
  - protection of nationals abroad 626–627
  - sovereignty 216
  - state-centrism 17
  - state immunity 225
  - trade with developing countries 468
- developing countries
  - aid to 428
  - development problems 472–475
  - droit international du développement* 469
  - economic disparity between 465–467
  - economic gap with developing countries 527
  - economic rights 377
  - environmental protection 491, 507, 527
  - expropriation of foreign corporations 347
  - foreign corporate investment in 240, 449
  - GATT 430
  - human rights 411
  - humanitarian interventions 224, 650–660
  - law as adjudicative or prescriptive 107
  - law of the sea 321
  - neoliberal global policies 470–472
  - NIEO 442
  - socio-economic rights 381
  - trade with developed countries 468
  - WTO 442
- development
  - economic. *see* international economic system
  - sustainable. *see* sustainable development
- diplomacy
  - conflict resolution. *see* conflict resolution
  - consular jurisdiction 343
  - consular/diplomatic protection 344
  - consuls and diplomatic missions 211–213
  - diplomatic immunity 212
- discrimination. *see* non-discrimination

## INDEX

701

- dispute settlement. *see* conflict resolution
- domestic law. *see* national legal systems
- Droit des gens* (Vattel) 72
- droit international du développement* 469
- dualism 122
- economic rights
  - Charter of 451
  - developing countries 377
- economics. *see* international economic system
- enterprises. *see* corporations
- environment
  - about 480–482
  - atmosphere 507–508
  - civilization and 482–486, 504–505, 513, 520
  - climate change 509–514
  - cultural heritage 514–524
  - current and future issues 504–505
  - inter-generational equity 528–533
  - marine pollution 505–506
  - materialism's impact 482–486
  - multi-centric/multi-civilizational law 99–102
  - protection
    - duty of 497–500
    - and economic development 524–528
    - implementation 500–504
    - as inter-generational common interest 488–493
    - responses to trans-boundary environmental damage 486–488
    - and sustainable development. *see* sustainable development
- equality
  - of nations 91–96
  - non-discrimination 395
- erga omnes* obligations
  - concept 155, 250, 262
  - violations 262–266, 277–280
- ethnicity, discrimination based on. *see* non-discrimination
- Europe
  - influence of other cultures 13
- international law origins 10, 13, 16, 56
- pre-modern system of norms 69–70
- sovereign states system 71–74
- west-centric international law 74–84
- “Westphalian system” 55, 71
- worldwide colonization and hegemony 76
- ex aequo et bono* 104, 179
- exclusive economic zones. *see* law of the sea
- expropriation policy. *see* states, expropriation of foreign corporations
- extraterritorial application of national law 213, 220, 411
- extraterritorial jurisdiction 221–224
- Falklands Islands 628
- finance. *see* international economic system
- Fitzmaurice, Gerald 159
- force. *see* use of force
- Franck, Thomas M. 597
- free trade
  - UK and 426
- G7, G8. *see* Group of Seven (G7), Group of Eight (G8)
- Galtung, Johan 25, 641, 643
- GATT
  - developing countries 430
  - international economic system 432–436
- gender discrimination. *see* non-discrimination
- General Agreement on Tariffs and Trade. *see* GATT
- general international law
  - conference resolutions 169–171
  - customary international law in relation to 149, 153–161
  - politically important international conferences 161–165
  - treaties 161–165
  - UN General Assembly resolutions 165–169

- general principles of law
  - applicable law 178
  - ex aequo et bono* 104, 179
  - international law and 104, 178–179, 565
- global community interests
  - concept 250
  - environmental protection 488–493
  - illegal acts against 275–277
  - international legal processes 128–131
- global international law. *see* multi-centric/multi-civilizational perspective
- Goa annexation by India 628
- government and state in relation 208–211
- Grotius, Hugo 7, 11, 55, 71, 107, 180, 248, 537
- Group of Seven (G7), Group of Eight (G8) 423, 461, 463, 467
- Hall, William 152, 548
- Hart, H. L. A. 27
- Heffter, August Wilhelm 56, 152
- Higgins, Rosalyn 27
- high seas. *see* law of the sea
- history
  - of international law scholarship 10–15
  - pre-modern period 59–63
  - reappraisal 55–59
- Hobbes, Thomas 7, 71
- human rights
  - about 101–102, 170, 235, 360–366
  - coercive enforcement 410–414
  - concept 361–366
  - globalization of 368–370, 406–407, 414–416
  - ICCPR 376–383
  - ICESCR 376–383
  - multi-centric/multi-civilizational 99–102
  - national legal systems in relation 407–410
  - nationality and 343–347, 353–359
  - non-discrimination. *see* non-discrimination
  - regional systems 388–395
  - transcivilizational perspectives 406–407, 416–421
  - UDHR 370–376
  - UN system
    - components of 370–376
    - historical development of 366–368
    - Vienna Declaration 101, 170, 375, 383–388
- humanitarian interventions 412, 632, 650–656
- humanitarian law
  - developing countries 235
  - norms 235
  - responsibility to protect 228, 656–660
- ICCPR. *see* human rights
- ICESCR. *see* human rights
- ideational power
  - “Americanization” of Asia 5
  - China 4
  - Western dominance 4
  - Western influence 7
- IMF. *see* International Monetary Fund
- illegal acts
  - circumstances precluding wrongfulness 268, 625–626
  - damages 266–270
  - in international law 259–262
  - negligence 266–270
  - responses
    - countermeasures 287–289
    - decision makers 289–293
    - generally 244–245, 247–251
    - law of state responsibility 251–255
    - negative responses 247, 280–283
    - non-state responses 283–287
    - norms protecting global community interests 275–277
    - to violating state 270–275
    - violations of *erga omnes* obligations 277–280
    - violations of peremptory norms 280–283
  - state responsibility. *see* state responsibility
  - violations of *erga omnes* obligations 262–266, 277–280
  - violations of peremptory norms 262–266, 280–283

- immunity
  - diplomatic 212
  - states 224–225
  - sovereign 183, 286
- independence
  - states 225–228
  - territorial integrity 309
- India
  - Goa annexation 628
  - and West-centricity 1
  - Westernization 5
- indigenous peoples 236–239
- individual responsibility 287
- inter-generational
  - common interest 488–493
  - equity 528–533
- “international”
  - concept of 58
- International Committee of the Red Cross 235–236
- International Court of Justice (ICJ)
  - Advisory Opinions 567–570
  - applicable law 564–567
  - judges 561
  - procedure 559–564
- international courts, decisions of 175–178
- International Covenant on Civil and Political Rights (ICCPR). *see* human rights
- International Covenant on Economic, Social and Cultural Rights (ICESCR). *see* human rights
- international crimes. *see* criminal law
- international economic system
  - about 422–424
  - Bretton Woods 427–428
  - changes in global economic hierarchy 475–479
  - complexity 467
  - economic development
    - environmental protection and 524–528
    - initiatives 467–470
    - Prebisch Report 468
    - problems 472–475
  - economic disparity 465–467
  - GATT 432–436
  - Group of Seven (G7), Group of Eight (G8) 423, 461, 463, 467
- IMF. *see* International Monetary Fund
- investment
  - conflicts 449–453
  - by corporations 442, 449
  - trends 453–457
- monetary and financial system
  - collapse of post-World War II system 458–460
  - current system 461–465
- neoliberal global policies 470–472
- World Bank. *see* World Bank
- World War II, before 424–426
- World War II, following 428–432
- WTO. *see* World Trade Organization
- international law
  - alienation from ordinary citizens 9
  - authority 16
  - cases where used 112–115
  - conceptualization 8
  - of cooperation 90–91
  - cultural/civilizational relativity 21
  - customary. *see* customary international law
  - definition 31–35
  - domestic model thinking 2
  - enforcement. *see* conflict resolution
  - functional analysis 25–29
  - functions 8, 27, 48–52
  - general. *see* general international law
  - history. *see* history
  - identification of 103, 171–172
  - international society. *see* international society
  - irrationality 28
  - “irrelevance” 33, 35–40
  - as law 34, 40–44
  - law of international society 31
  - non-adjudicative functions 23, 27
  - norms. *see* norms
  - observance 38–39
  - origins 10, 13, 16, 55
  - as positive morality 34
  - power of 52–55
  - pre-modern 59–63
  - principles 72, 99, 146, 487

- international law (cont.)
  - processes. *see* international legal processes
  - regional systems. *see* regional systems
  - relevance 35–40, 662
  - scholarship. *see* scholarship
  - situations where used 112–115
  - as social construct 25
  - sources. *see* sources of law
  - study of. *see* scholarship
  - terminology 50
  - theory. *see* scholarship
  - transcivilizational perspectives 2
  - of treaties. *see* treaties
  - twenty-first century 21
  - validity 32
  - violation 33
  - West-centricity. *see* West-centricity
- International Law – A Treatise* (Oppenheim) 12
- International Law Commission (ILC)
  - Draft Articles on State Responsibility 2001 255–259
- international legal processes
  - global community interests 128–131
  - interstate relations 124–128
  - as social processes 23
- International Monetary Fund (IMF) 427, 458, 462, 471
- international organizations
  - basis in international law 50
  - participants in international law 229–235
  - views of 175–178
- international persons 186–187
- international perspective 15–22
- international relations. *see* diplomacy
- international society
  - as basis of international law 55
  - common principles 51
  - distribution of power 36
  - international law as common language 50
  - international law as law of 31
  - management of social activities 38, 48
  - sovereignty and 36
- interpretation
  - scholarship 8
  - tools 161–165
  - treaties. *see* treaties
- investment. *see* international economic system
- Ishimure, Michiko 480–482, 530
- Islamic civilization
  - human rights 418
  - influence on Europe 14
  - Islamo-centricity 58
  - Siyar* System 67–69
  - system of norms 67–69
  - world image 59
  - world mission 537
- Japan
  - “economic superpower” 476
  - as “junior partner” of Western powers 1
  - Korea and 7, 131, 137, 147, 355, 586
  - national identity 67
  - Southern Kuril Islands dispute with Russia 297
  - Westernization 5
- Jawara, Dwada Kairaba 391
- Jellinek, Georg 194, 298
- Jennings, Robert 159
- Jonas, Hans 514
- judicial function. *see* conflict resolution
- juridical persons, nationality 347–350
- jurisdiction
  - extraterritorial 221–224
  - principles 219–221
  - sovereignty and 216–219
- jus cogens*. *see* peremptory norms
- just war (*bellum justum*) 248, 537
- justificatory function 8, 50, 312, 623
- Kelsen, Hans 41, 122
- Kellogg-Briand Pact 541, 590, 592
- Kennan, George 585
- Khadduri, Majid 68
- Klüber, Johann Ludwig 152
- Korea
  - China and 80
  - Japan and 7, 131, 137, 147, 355, 586
  - Korean War 608, 622
  - United States and 133

- Lauterpacht, Hersch 299, 582
- law
- as adjudicative norms 107
  - international law as 34, 40–44
  - limitations 665
  - management of social activities 38
  - national law equated with 41
  - perceptions of 44–48
  - as prescriptive norms 45, 107
  - as social construct 48
  - and status quo 26
- law of the sea
- conflict resolution 326–328
  - continental shelf 320–323
  - deep seabed 323–326
  - exclusive economic zones 320–323
  - high seas 318–320
  - ordering of the sea 302–304
  - preservation of resources 320–323
  - territorial waters 314–318
  - UNCLOS 125, 314–318, 320–324, 571
- League of Nations 230, 338, 540, 542, 569, 590
- legitimacy
- customary international law 173
  - international law 16, 35, 52–55
  - national states 16, 50
- legitimation 196, 648
- Mannheim, Karl 23
- marine pollution. *see* environment
- Martens, Georg-Friedrich von 199
- materialism's environmental impact 482–486
- military forces in international law 211–213
- minority peoples
- participants in international law 236–239
  - protection. *see* non-discrimination
- monetary system. *see* international economic system
- monism 122
- morality
- international law as positive morality 34
- multi-centric/multi-civilizational perspective
- cultural exchange 13
  - cultural/civilizational relativity 21
  - transcivilizational perspective 19
  - transition to 1–7, 30–31, 57, 84–88
- multilateral treaties. *see* treaties
- nation
- building of 18
- national legal systems
- constitutional law. *see* constitutional law
  - extraterritorial application of
    - national law 213, 220, 411
  - human rights in relation 407–410
  - international law compared 41
  - international law contrasted 43
  - international law in relation 121–123
  - treaties in relation 135–140
  - validity 88–90
  - West-centric domestic model
    - thinking 2
- national liberation
- use of force 627–629
- nationality
- about 328–329
  - aliens 335–340, 343–347
  - change of 350–353
  - concept 329–335, 340–343
  - corporations 348
  - discrimination based on.
    - see* non-discrimination
  - functional approach (analysis) 340–343, 347
  - and human rights 343–347, 353–359
  - juridical persons 347–350
  - self-determination 353–359
- natural law
- Christian norms 11
  - customary law and 149–153
  - functioning of 180
  - as ideational tool 248
  - international law and 180–182, 537
- natural resources, law of the sea 320–323
- necessity 625–626
- negligence as illegal act 266–270
- New International Economic Order (NIEO) 442



- non-discrimination
  - about 395–396
  - ethnicity-based discrimination, prohibition of 402–406
  - gender discrimination, elimination of 398–402
  - minority peoples, protection of 395–396, 402–406
  - nationality-based discrimination, prohibition of 402–406
  - racial discrimination, elimination of 396–398
  - sexual discrimination, elimination of 398–402
- non-governmental organizations
  - and international law 241–243
  - and state-centrism 18
- non-intervention principle 96–97
- non-state actors
  - resort to international law 24
  - and state-centrism 18
- normative consciousness 9, 33–34, 54, 58, 82–83, 88, 124, 150, 157, 160–161, 167–169, 180–181, 252, 367, 496–500, 514, 523, 664–666
- norms
  - adjudicative. *see* adjudicative norms
  - customary international law. *see* customary international law
  - of global community interests 275–277
  - identification of 115–121
  - peremptory norms (*jus cogens*). *see* peremptory norms
  - pre-modern systems 59–63
  - prescriptive. *see* prescriptive norms
  - world images 59
- nuclear war
  - factors preventing 663
- Onuma, Yasuaki 1, 7, 10
- Oppenheim, Lassa 12
- “outlawry of war” movement 100, 541, 613
- pacta sunt servanda* 48, 97–99, 131, 183
- participants of international law
  - about 190–192
- peace
  - “negative” and “positive” 641
- peacekeeping
  - advisory opinion 568
  - civil wars 629–634
  - preservation of status quo 640
  - UN operations 609–612, 631, 638–644, 655
- perception
  - common 21, 43–44, 119
  - differences in 21, 43
  - humanitarian interventions 656
  - of law 44–48
  - peacekeeping 610
  - prevalent 119
  - soft law 184–185
  - of states 192–195
  - UN sanctions 643
- peremptory norms
  - concept 155, 250, 262
  - primacy of 277
  - violations 262–266, 268, 277, 280–283
- persons
  - participants in international law 186–187, 190–192
  - subjects of international law 187–190
- Phillimore, Robert 152
- philosophical power. *see* ideational power
- positivism
  - criticisms 13, 23
  - rise of 11
- power relationships
  - international society 36
  - treaties 25
- Prebisch Report on trade and development 468
- prescriptive norms
  - acceptance of 48
  - adjudicative norms and 107, 109
  - law as 45, 107
  - norms and mechanisms that support 244–245
  - primacy of 104
- preservation of resources 320–323
- principles of international law 72, 99, 146, 487
- private companies. *see* corporations
- protection of nationals abroad 626–627

- R2P. *see* responsibility to protect
- racial discrimination.  
    *see* non-discrimination
- Red Cross. *see* International Committee  
    of the Red Cross
- regional systems  
    Chinese 64–67  
    Christian European 67–69  
    Islamic 67–69  
    pre-modern 59–63
- Renan, Ernest 332
- reprisals 623–624
- resolutions  
    conferences 169–171, 499  
    as interpretative tools 161–165  
    UN General Assembly 165–169  
    UN Security Council 172–175
- responsibility to protect  
    as adjudicative norm 658  
    doctrine 228–229, 656–660
- Rio Declaration 493–496
- Roman law  
    and international law 180–182
- Russia  
    Africa conflicts 632, 655  
    dissolution of former Soviet Union  
        207  
    G8 membership 423, 461  
    former Yugoslavia conflict 631  
    human rights 389  
    ICJ judge 562  
    political rights in Soviet Union 341  
    Southern Kuril Islands dispute with  
        Japan 297
- sanction 273, 276, 590, 645
- Scelle, Georges 95, 122, 190
- Schachter, Oscar 158
- Schmitt, Carl 295
- scholarship  
    common framework 3  
    critical analytical function 7–10  
    *De jure belli ac pacis* (Grotius) 7, 55,  
        71, 180, 248, 537  
    *Der Nomos der Erde* (Schmitt) 295  
    *Droit des gens* (Vattel) 72  
    functional analytical approach 23  
    functions 22–25  
    historical development 10–15  
    *International Law – A Treatise*  
        (Oppenheim) 12  
    international law as legal and social  
        science 9  
    international law history reappraised  
        55–59  
    international law theory  
        overview 180–182  
        practice in relation 8  
        realistic approach to 25, 28  
    interpretive function 8  
    irrelevance 8  
    narrow focus 15, 22  
    natural law. *see* natural law  
    nature 22–25  
    objectives 22–25  
    positivism. *see* positivism  
    relevance 8  
    scope of international law 10  
    West-centricity  
        problem of 1  
        revision of 6  
    Western influence 7
- seas. *see* law of the sea
- security. *see* collective security
- self-defense  
    collective self-defense 619–623  
    customary international law 615, 620  
    justifications other than 623  
    right of 615, 620
- self-determination  
    colonialism and 202, 352, 627–629  
    indigenous peoples 238  
    national liberation 627–629  
    nationality and 353–359  
    peoples 194, 198, 202–206, 281, 358  
    right of 201  
    territorial integrity 227  
    use of force 627–629  
    violation of 281–282
- self-help/self-preservation 624–625
- Sen, Amartya 386
- sexual discrimination.  
    *see* non-discrimination
- shared understanding 51, 570, 597
- Sieyès, Emmanuel-Joseph (l'abbé  
    Sieyès) 332

- Siyar System* 67–69  
 social contract theory 7, 336  
 social science  
     international law as 9  
 socio-economic rights 381, 390  
 soft law 184–185  
 sources of law  
     context-dependency of law 109–112  
     resolutions 161–165  
     theory of sources 104–109  
     treaties 161–165  
 South America 63, 448, 561  
 Southern Rhodesian independence 80  
 sovereign states system 71–74,  
     213–216, 219–221  
 sovereignty  
     continuous and peaceful display  
         304–308  
     and international society 36  
     jurisdiction and 216–219  
     personal 89, 214, 219, 294, 304, 333,  
         338, 626  
     principles 219–221  
     sovereign immunity 183, 286  
     territorial 89, 93, 214–215, 217,  
         219–221, 225, 304–308, 315  
 Soviet Union. *see* Russia  
 Spanish colonization of America 75  
 spatial ordering. *see* law of the sea;  
     territory  
 state practice 156–157, 166, 201  
 state responsibility  
     ILC Draft Articles 2001 255–259  
     law of, as response to illegal acts  
         251–255  
 states  
     conduct of  
         legality 49  
         legitimacy 50  
         prescription 48  
     conflict resolution.  
         *see* conflict resolution  
     consuls 211–213  
     developed countries. *see* developed  
         countries  
     developing countries.  
         *see* developing countries  
     diplomatic missions 211–213  
     diversity of 192–195  
     equality of 91–96  
     expropriation of foreign  
         corporations 347, 451  
     extinction 206–208  
     governments 208–211  
     illegal (wrongful) acts. *see* illegal  
         acts  
     immunity 224–225  
     independence 225–228  
     in international law 196–199  
     international law as tool of national  
         politics 42  
     and international law of cooperation  
         90–91  
     as international persons 187  
     legitimacy 16  
     legitimation 196  
     military forces 211–213  
     national interest 21  
     non-state actors. *see* non-state actors  
     primacy of 192–195  
     protection of nationals abroad  
         626–627  
     recognition of 199–202  
     relations between 124–128  
     responsibility to protect 228–229  
     self-determination 202–206  
     sovereignty. *see* sovereignty  
     state-centrism 17  
     state responsibility 254  
     succession 206–208  
     territorial integrity 225–228  
     unilateral acts 182–184  
     use of force. *see* use of force  
     violation of international law 33  
 status quo 26, 580, 640  
 Stockholm Declaration 169, 493–496  
 study of international law.  
     *see* scholarship  
 subjects of international law 186–191,  
     229–235  
 sustainable development  
     environmental protection and  
         493–496  
     Rio Declaration 493–496  
     Stockholm Declaration 169,  
         493–496

- Taoka, Ryoichi 616  
 territorial integrity 309  
 territorial sea. *see* law of the sea  
 territorial waters. *see* law of the sea  
 territory  
   about 294–295  
   conflict resolution 326–328  
   current issues 308–314  
   history of territorial ordering 295–301  
   nationality. *see* nationality  
   sovereignty. *see* sovereignty  
   territorial integrity 225–228, 309  
 terrorism  
   criminal law response 635  
   military response 635–638  
 Tobar Doctrine 210  
 trans-boundary environmental damage.  
   *see* environment  
 transcivilizational perspective  
   concept of 2, 19  
   cultural heritage 523  
   environmental protection 484  
   human rights 416–421  
   use of 55–59, 313  
 transnational investment. *see*  
   international economic system  
 transnational perspective 18  
 treaties  
   as adjudicative norms 531  
   amendment 146–148  
   conflict resolution 570–574  
   and constitutional law 139  
   diversity of 135–140  
   importance of 48–49, 131–135  
   interpretation of provisions,  
     143–145  
   as interpretative tools 161–165  
   interpretive declarations  
     140–143  
   invalid 146–148  
   management of social activities  
     48  
   national laws in relation 135–140  
   *pacta sunt servanda* 48, 97–99, 131,  
     183  
   power relationships 25  
   reservations 140–143  
   resolutions. *see* resolutions  
   termination 146–148  
 tribunals. *see* conflict resolution  
 Tributary System 64–67  
 Triepel, Heinrich 122  
 UDHR. *see* Universal Declaration of  
   Human Rights  
 unilateral acts of states 182–184  
 United Kingdom  
   *Caroline* incident 615  
   Falklands Islands 628  
   free trade system 426  
   ICJ and 566–567  
   influence on international law  
     development 183  
   legal scholars 27  
   share of global product  
     manufacturing 80  
   Southern Rhodesian independence 80  
   US economic competition 476  
 United Nations  
   collective security  
     activities 644–650  
     criticisms 661  
     enforcement during Cold War  
       605–609  
     General Assembly 603–605  
     legitimation 648  
     limitations 644–650  
     possibilities 644–650  
     Security Council 598–603  
     successes 644–650  
     US military interventions 661  
   conflict resolution  
     Security Council 574–577  
     Security Council, other than  
       577–578  
   control over foreign corporations  
     222  
   General Assembly  
     collective security 603–605  
     Prebisch Report on trade and  
       development 468  
     resolutions 165–169  
   human rights system. *see* human  
     rights  
   international law in relation 662

- United Nations (cont.)
  - peacekeeping
    - activities 609–612, 631, 655
    - limitations 638–644
    - possibilities 638–644
    - successes 638–644
  - sanction 273, 645
  - Security Council
    - collective security 598–603
    - conflict resolution 574–577
    - resolutions 172–175
    - sanction 273, 645
  - self-defense. *see* use of force
- United Nations Convention on the Law
  - of the Sea (UNCLOS) 125, 314–318, 320–324, 571
- United States
  - “Americanization” of Asia 5
  - Caroline* incident 615
  - cultural openness 14
  - economic competition with UK 476
  - influence on international law
    - development 183
  - Korea and 133
  - Korean War 608, 622
  - military interventions 661
- Universal Declaration of Human Rights (UDHR) 370–376
- universality, universalization 15, 153, 158, 163, 497–500
- use of force
  - civil wars. *see* civil wars
  - participants in international law 235–236
  - UN peacekeeping 629–634
  - collective security. *see* United Nations
  - countermeasures 623–624
  - national liberation 627–629
  - necessity 625–626
  - norm prohibiting 592–598, 665
  - nuclear war, factors preventing 663
  - peacekeeping. *see* peacekeeping
  - prohibition of 99–102, 589–592
  - protection of nationals abroad 626–627
  - regulation of 588–589
  - reprisals 623–624
  - response to terrorist attacks 635–638
  - self-defense
    - customary international law 615, 620
    - justifications other than 623
    - right of 612–619, 664
    - right of collective self-defense 619–623
  - self-determination 627–629
  - self-help/self-preservation 624–625
  - war. *see* war
- validity
  - guarantee of 598
  - national legal systems 88–90
  - norms of international law 159
- Vattel, Emmerich de 72, 107, 202
- Vienna Declaration 101, 170, 375, 383–388
- Virally, Michel 468
- Visscher, Charles de 642
- Vitoria, Francisco de 11, 75, 99, 107
- Wang Guanzhong 5
- war
  - aggressive wars 263, 594
  - civil wars. *see* civil wars
  - conceptions 660
  - illegalization of 540–544
  - just war (*bellum justum*) 248, 537
  - non-discriminatory concept of 589–592
  - “outlawry of war” movement 100, 541, 613
- Watson, Adam 82
- Wendt, Alexander 40–44
- West-centricity
  - critical analytical approach to 21
  - criticisms 1
  - definition of law 41
  - domestic model thinking 2
  - ideational dominance 4
  - international economic system 462
  - international law 52, 74–84
  - “Westphalian system” 55, 71
- Wheaton, Henry 82, 152

World Bank	principles 436–443
corporate and public character 427	rule exceptions and qualifications 445–449
loans 470	
west-centric administration, 462	wrongful acts. <i>see</i> illegal acts
world images 59	
World Trade Organization (WTO)	Yugoslavia, former
dispute settlement 443–445	dissolution 205
	peacekeeping 174, 631