International Law – Basic Legal Terms

Though there will not be a separate vocabulary section on the final exam, you do need to know the basic terminology of international law to understand the questions and write good answers. Here are the words you really need to know.

Nature and Development of International Law

international law
public international law
private international law
conflict of laws
command theory of law (Austin)
social norm theory of law (Hart)
consent (as basis of obligation)
consensus (as basis of obligation)
legal positivism
legal naturalism

Sources of International Law

source of law
source of evidence for law
primary source
subsidiary (secondary) source
general international law
regional international law
customary law
local custom
treaty
multilateral treaty
bilateral treaty
general principles of law
resolutions of international organizations
decisions of international tribunals
opinio juris
state practice
acquiescence
equity
equitable principles
jus cogens
fundamental norm
unilateral act/declaration

Law of Treaties

corruption
coevolution
termination
suspension
rebus sic standibus
supervening impossibility of performance
fundamental change of circumstances
broader purposes approach
principle of effectiveness

law of treaties
treaty law
pacta sunt servanda
treaty
authorized representatives
full powers
signature
ratification
accession
reservation
impermissible reservation
entry into force
invalidity
error
fraud
Peaceful Settlement of Disputes

peaceful settlement  compulsory submission
negotiation  *compromis (d’arbitrage)*
negotiation  excess of power
inquiry  fundamental error
good offices  contentious jurisdiction
conciliation  (of the ICJ)
mediation  advisory jurisdiction
arbitration  (of the ICJ)
adjudication
voluntary submission

Subjects of International Law

subject of law  colony
legal person  protectorate
natural person  condominium
corporate entity  national liberation movement
full subject of law  transnational enterprise
partial subject of law  multinational corporation
object of law  a people
state  self-determination
government  independence
belligerent  international organization
rebel  nongovernmental organization
insurgent  individuals
rioter  groups
non-self-governing territory

State Responsibility

direct responsibility  act
indirect responsibility  omission
imputability  internationally wrongful act
state agent  fault
*ultra vires* acts  mob violence
private person/entity  insurrection
state endorsement of action  civil war
compensation  injured state
responsibility for acts violating  reparation
international law  restitution in kind
responsibility for acts not violating  compensation
international law
Treatment of Aliens

- national
- alien
- dual national
- enemy national
- neutral national
- allied national
- temporary allegiance
- exhaustion of local remedies
- due diligence
- denial of justice
- diplomatic protection
- personal (physical) injury
- national
- genuine link
- alien
- temporary allegiance
- permanent allegiance
- permanent residence
- naturalization

jus sanguinis
jus soli
property damage
injury to economic interests
nondiscrimination
international minimum standard
national treatment
foreign property
foreign investor
direct investment
indirect (portfolio) investment
expropriation
nationalization
indirect taking
creeping nationalization
public purposes
lump-sum agreement

Recognition

- constitutive theory of recognition
- declaratory theory of recognition
- de facto government
- de jure government
- premature recognition
- prolonged recognition
- effective control

express recognition
implied recognition
collective recognition
standing to sue
immunity from suit
sovereign immunity

Jurisdiction

- jurisdiction to prescribe
- jurisdiction to adjudicate
- jurisdiction to enforce
- domestic jurisdiction
- territoriality principle
  - subjective
  - objective
- effects doctrine
- long arm statute
- nationality/personality principle
  - active
  - passive
- protective principle
- universal principle
  - (universality)
- international crimes
- extradition
- lex mercatoria/law merchant
### Jurisdiction on Land / Territorial Sovereignty

- national territory
- *res nullius*
- *res communis*
- common heritage of mankind
- common heritage of humanity
- sovereignty
- title to territory
- effective occupation
- voluntary cession
- conquest (involuntary cession)
- prescription
- discovery
- contiguity
- territorial dispute
- intertemporal law
- *uti possidetis*
- thalweg
- accretion
- avulsion
- servitude
- boundary (border)
- boundary dispute
delimitation
- demarcation

### Law of the Sea / Maritime Jurisdiction

- UN Convention on the Law of the Sea
- inland waters
- port
  - open port
  - closed port
territorial sea
  - mean low water mark
  - straight baseline
- bay
- historic bay
- contiguous zone
- exclusive economic zone (EEZ)
- high seas
- strait
- international strait
- international waterway
- continental shelf
- continental margin
  - shelf
  - slope
  - rise
- deep seabed
- the Area
- navigation
- flag state
- coastal state
- port state
- archipelagic state
- archipelagic waters
- landlocked state
- innocent passage
- transit passage
- free passage
- merchant ship
- warship
- government ship
- right of visit
- slave trade
- piracy
- hot pursuit
- resource activity
- resource exploitation
- sovereign rights
- fishing
- straddling stock
- highly migratory stock
- offshore platform
- installation
- artificial island
- island
- rock
- opposite states
adjacent states

**Air and Outer Space**

- airspace
- national airspace
- air defense zone
- overflight
- aircraft
- civil aviation
- military aircraft
- government aircraft
- flag state (state of registry)
- airport
- flight
- aerial hijacking
- ICAO

**Self-Help and Resort to Armed Force**

*Jus ad bellum*

- sanctions
- blockade
- necessity/necessary
- proportionality/proportional
- UN Charter
  - Chapter VI
  - Chapter VII
- armed attack
- imminent attack
- preemption
- prevention
- peacekeeping
**Law of War / Law of Warfare**

*Jus in bello*
- Hague Conventions
- Geneva Conventions
- Geneva Protocols
- International humanitarian law
- Combatant
- Civilian
- Wounded and sick
- POW
- Medical corps
- Red Cross/Red Crescent
- International Committee of the Red Cross
- Military necessity

**International Trade and related Economic Rules**

- Cross-border transactions
- International transactions
- Market economy
- Command (planned) economy
- Mercantilism
- Free (open) trade
- Absolute advantage
- Comparative advantage
- Theory of optimal tariffs
- Industrial policy
- Economic liberalism
- Neo-liberalism
- Laisser faire
- Economic nationalism
- Protectionism
- International payments
- Capital controls
- Exchange rate
- Fixed exchange rate
- Floating exchange rate
- WTO
- GATT (1947, 1994)
- WTO ministerial conferences
- WTO dispute settlement panels

- Goods
- Services
- Agricultural products
- Raw materials
- Finished goods
- Foods
- National treatment
- Imported goods
- Domestic goods
- Nondiscrimination
- Most favored nation (MFN)
- Generalized MFN
- Transparency
- Retaliation
- Exception clauses (in GATT)
- Side agreements (to GATT)
- Tariff
- Non-tariff barrier
- Sanitary and phytosanitary standard
- Safety standard
**International Environmental Law**

- environment
- ecosystem
- Stockholm Declaration
- Rio Declaration
- pollution
- over-use
- depletion
- tragedy of the commons
- polluter pays
- common but differentiated responsibilities
- precautionary principle
- intergenerational equity
- open access
- licensing
- individual ownership
- communal ownership
- renewable resource
- nonrenewable resource

**International Law and National Law**

- national/domestic/municipal law
- monism
- dualism
- self-executing treaty
- justiciable dispute
- nonjusticiable dispute
- act of state doctrine