



# **Legal Aspects of Peace Operations in Their Aerial and Maritime Dimension**

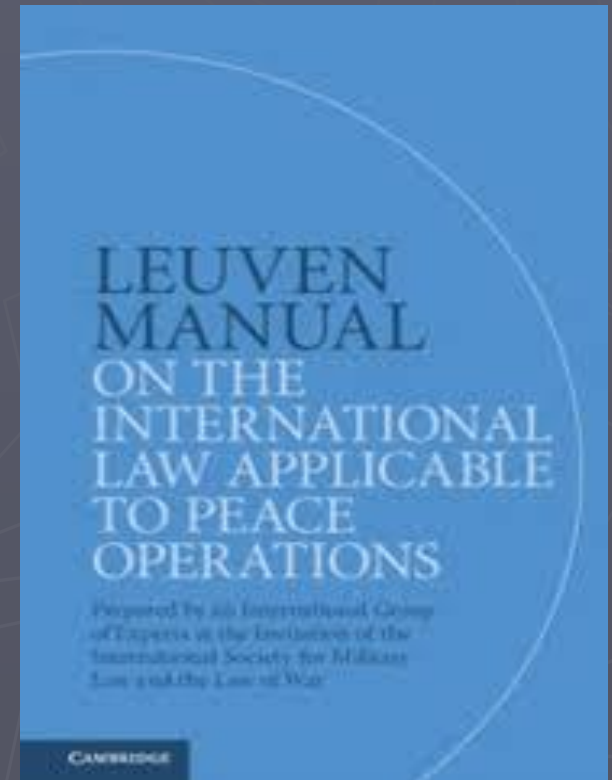
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Prof. Dr. Wolff Heintschel von Heinegg

[www.rewi.euv-frankfurt-o.de/de/lehrstuhl/or/voelkerrecht/index.html](http://www.rewi.euv-frankfurt-o.de/de/lehrstuhl/or/voelkerrecht/index.html)

# Overview

- ▶ The Leuven Manual's Rules
- ▶ Evaluation
- ▶ Gaps in the Manual's Section?
- ▶ Filling the Gaps?
- ▶ Concluding Remarks



# The Rules

- ▶ 15.1: “applicable international law”
- ▶ Freedoms of Navigation and Overflight
  - 15.2 & 15.6: EEZ and High Seas
  - 15.3 & 15.5: Territorial Sea, International Straits, Archipelagic Waters
- ▶ 15.4: Full Sovereignty over Internal Waters and National Airspace, subject to UNSC Res.

# The Rules (contd.)

- ▶ 15.7: Flag State Principle and Boarding
- ▶ 15.8: Use of Force
  - Against Vessels: Subject to Mandate
  - Against Aircraft: Subject to Mandate. In principle, no use of force against civil aircraft



# Evaluation

- ▶ Most Rules Reflect Current Int'l Law (of the Sea)
- ▶ Silence on Excessive Maritime Claims
- ▶ Exceptional Situations?
- ▶ Problem wrt use of force against vessels/aircraft
  - Limitation to „specific authorization“ by mandate
  - Too generic reference to civil aircraft (as distinguished from civil airliners)

# Gaps?

- ▶ Naval Mine Clearing  
(not really dealt with  
in Section 18)
- ▶ Protection of  
Merchant Shipping
- ▶ Measures wrt  
Individuals  
encountered at sea



# Gaps? (contd.)

## ► UMS/UAV

- Use
- Countermeasures



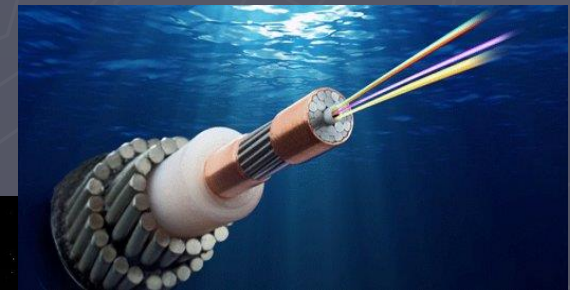
## ► Cyber:

- Cyber Ops by Peacekeepers
- Measures against Cyber Threats



## ► Undersea Infrastructure

## ► Outer Space



# Filling the Gaps?

## ► Necessity?

- Adding Granularity to Uses of Foreign Sea Areas (+)
  - Note the Binding Force of UNSC Decisions
- Mine Clearing (+), in particular wrt int'l straits
- Protection of Merchant Shipping (+), in particular when there is no specific authorization
- Individuals Encountered at Sea (+)
- UMS, Cyber, Undersea Infrastructure, Outer Space (+)



# Q & A

