Legal Aspects of Peace Operations in Their Aerial and Maritime Dimension

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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)

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Gaps?

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

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Gaps? (contd.)

 ► UMS/UAV
   - Use
   - Countermeasures

 ► Cyber:
   - Cyber Ops by Peacekeepers
   - Measures against Cyber Threats

 ► Undersea Infrastructure

 ► Outer Space

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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 (+)

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