Unilateral Measures and the Concept of Opposability in International Law
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Outline

1. Introduction
   Distinction between unilateral acts and the unilateral measures
   Concept of Opposability
   A Normative Framework

2. The Relevant ICJ Cases:
   *Fisheries* case of 1951 (United Kingdom v. Norway): The Court employed the
     concept of opposability for the ten-mile rule for the baseline of the mouth of
     a bay and the straight baseline of the territorial waters.
   *Fisheries Jurisdiction* case of 1974 (United Kingdom v. Iceland): The Court
     found in its judgment of 25 July 1974 that it was “bound to conclude that
     the Icelandic Regulations of 14 July 1972 establishing a zone of exclusive
     fisheries jurisdiction extending to 50 nautical miles ... are not opposable to
     the United Kingdom”.

3. The Concept of opposability (as compared to legality)
   (1) The unsettled state of the applicable law
   (2) The causes of action: determination of the external effect
   (3) The scope of the normative effect: particular bilateral relationship
   The component elements of opposability
   (1) Effectiveness and legitimacy
   (2) Good faith

4. A Shift of Applicable Law from the UN Charter to General International Law
   (1) Precedents: Korea (1950-53); Teheran (1980); Falklands/Malvinas (1982)
   (2) Article 2(4) as a “function” of Chapter VII of the Charter
   (3) Paralysis of *lex specialis* and the return to *lex generalis*
5. Legal Assessment of Unilateral Forcible Measures

NATO actions over Kosovo (1999): “Illegal but justified?”

Security Council resolution 1160 (Mar.31, 1998); 1199 (Sept. 23, 1998)

On-going, large-scale human rights violations and the failure of the Security Council to respond

Security Council resolution 1244 (June 10, 1999): *post hoc* legalization of the use of force by NATO

G-8 Summit and the reform of the Security Council

6. Conclusion

Bibliography

