

Chapter 3: Breaking International Law

Glossary

Acknowledgement: attribution standard by which a state adopts responsibility for a nonstate actor

Attribution: determining when a legal breach is considered an act of a state

Circumstance precluding wrongfulness: a factor that excuses or justifies a legal breach, thus relieving a state of responsibility; CPWs include consent, self-defense, countermeasures, *force majeure*, distress, and necessity

Countermeasure: a legal violation taken in response to a prior a wrongful act by another state

Distress: circumstance precluding wrongfulness; a legal breach is not wrongful if “the author of the act in question has no other reasonable way ... of saving the author’s life or the lives of other persons entrusted to the author’s care”

Effective control standard: attribution standard under international law; states must have effective control over a nonstate actor—including issuing it direct instructions—to be responsible for the nonstate actor’s conduct

Escape clause: a legal provision that allows states to sometimes temporarily break their commitments without severe punishment

Force majeure: Latin for “superior force”; circumstance precluding wrongfulness; “an irresistible force or ... unforeseen event, beyond the control of the state, making it materially impossible ... to perform [an] obligation”

International arbitration: a legal process in which individuals consider the facts and laws relevant to an international dispute and then issue their findings

Material injury: an injury that negatively affects an individual’s physical or economic well-being

Moral injury: an injury that negatively affects an individual conscience or mental well-being

Necessity: circumstance precluding wrongfulness; a legal breach is not wrongful if it “is the only way for the state to safeguard an essential interest against a grave and imminent peril” and “does not seriously impair an essential interest of the state or states towards which the obligation exists, or of the international community as a whole”

Overall control standard: attribution standard under international law; states must have only overall control over a nonstate actor—including providing financing, equipment, and/or planning—to be responsible for the nonstate actor’s conduct

Punishment: any response to a legal breach by states (either individually or collectively) that raises the cost of breaking international law

Restitutio in integrum: Latin for “restoration to its whole”; legal principle that an injured state should be made “whole” after a legal violation

Restitution: an attempt to make an injured state “whole” by returning it to its *staus quo ante*, or the position the injured state was in prior to the breach

Satisfaction: a verbal or written statement that acknowledges or apologizes for a legal violation

State responsibility: area of international law that addresses the attribution, wrongfulness, and consequences of legal breaches

Ultra vires: Latin for “beyond the powers”; an *ultra vires* act exceeds the legal authority given by a state to the individual/body that commits the act

Wrongful: not excused or justified