



**Customary International
Law in Times of
Fundamental Change**

Recognizing Grotian Moments

Michael P. Scharf

CAMBRIDGE



Customary International Law

Conventional view:

Widespread state practice and *opinio juris*.

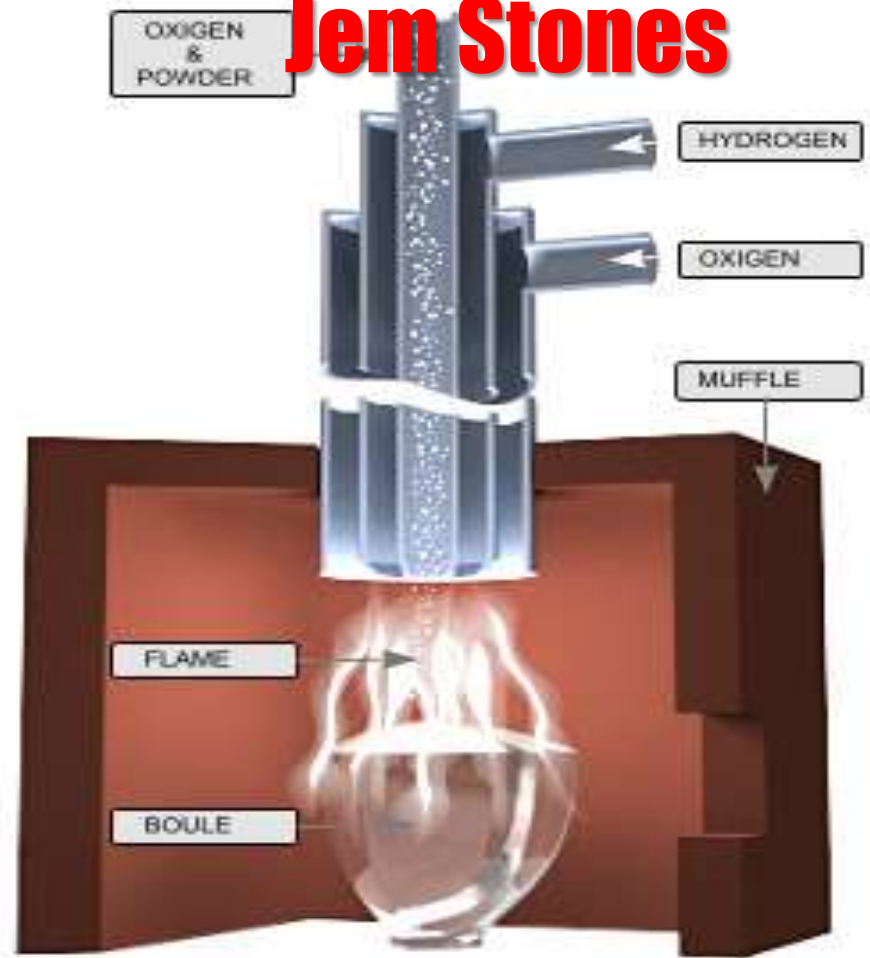
Slow crystallization that takes many decades





 **KYOCERA**

Re-Crystallized Jem Stones



Grotian Moments

A context of fundamental change that serves as an accelerant, often involving a GA Resolution or Tribunal decision.



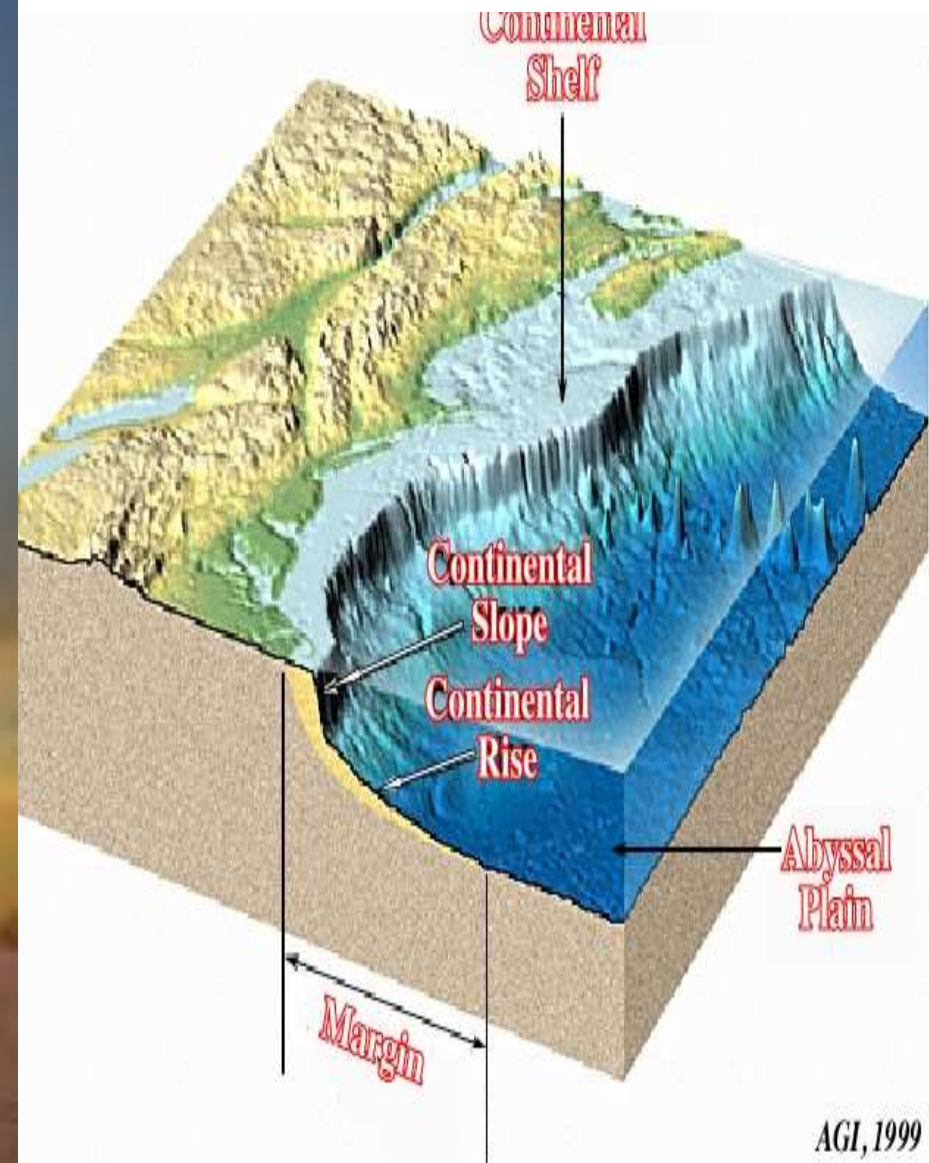
Why call it “Grotian Moments”?



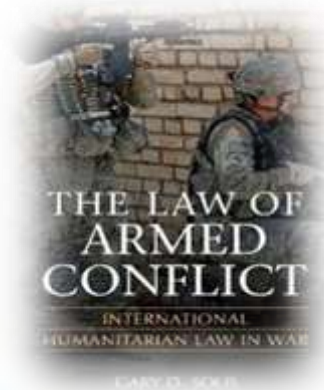




Continental Shelf



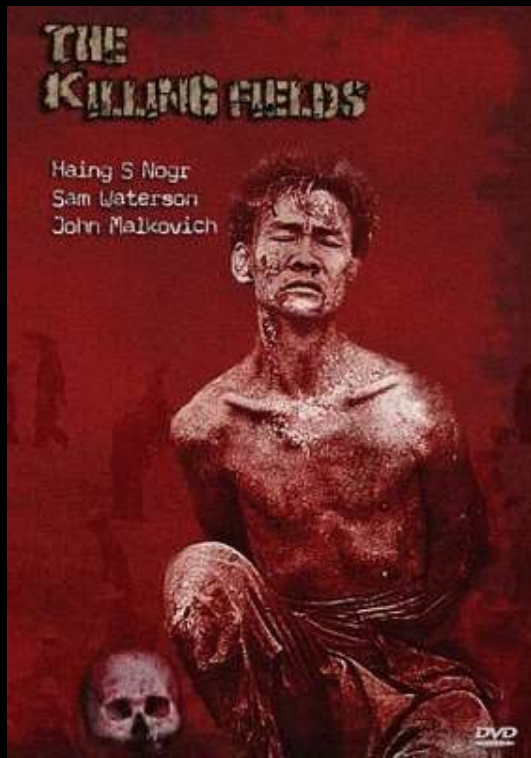




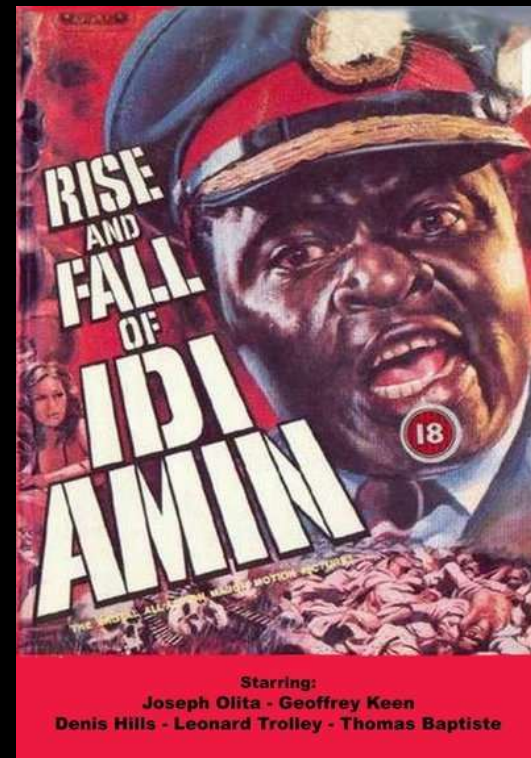
**ICTY Appeals
Chamber
Tadic Decision**



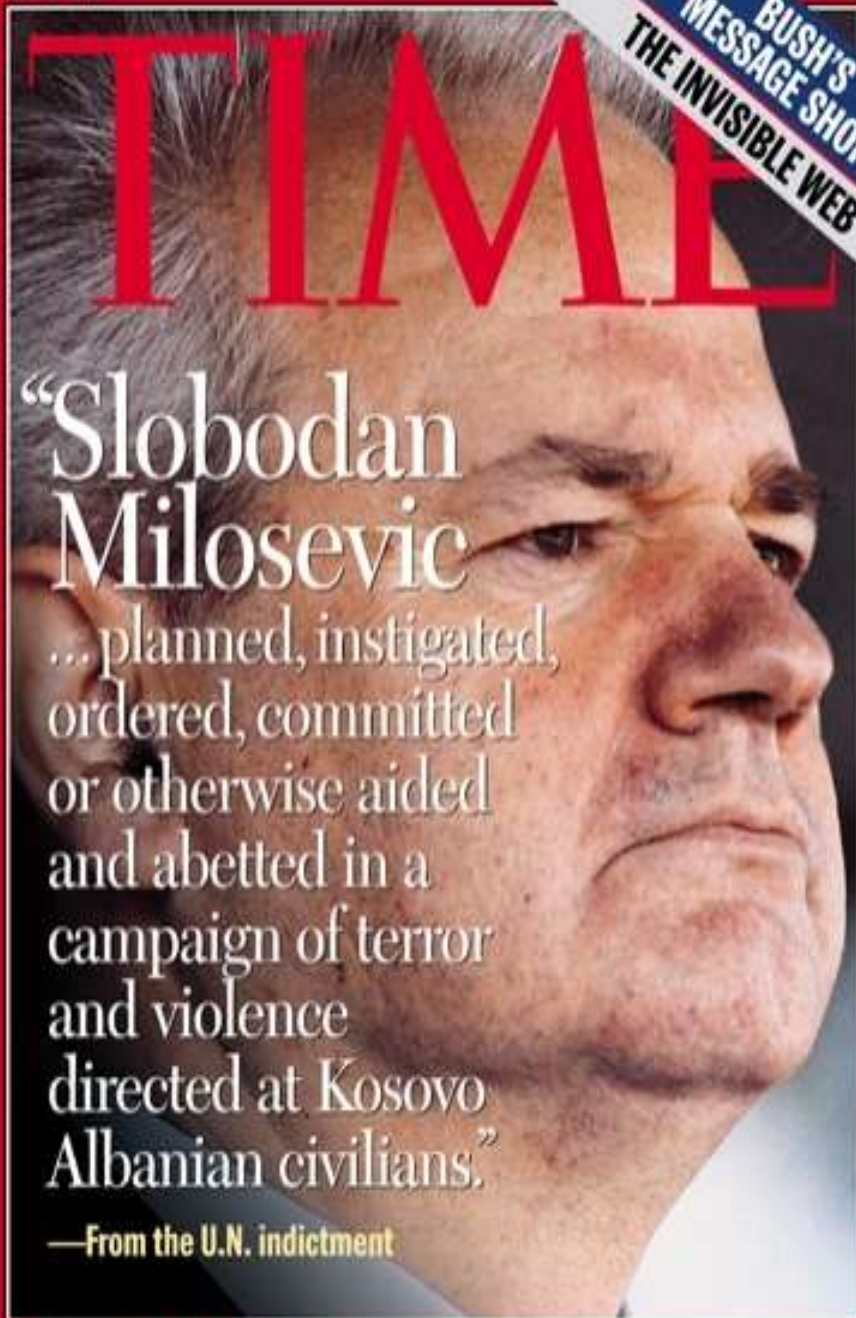
The Legality of Unilateral Humanitarian Intervention



**Vietnam invasion
of Cambodia
in 1978-1979**



**Tanzania invasion
of Uganda
in 1978-1979**



BUSH'S MESSAGE SHOP
THE INVISIBLE WEB

TIME

“Slobodan Milosevic

... planned, instigated, ordered, committed or otherwise aided and abetted in a campaign of terror and violence directed at Kosovo Albanian civilians.”

—From the U.N. indictment



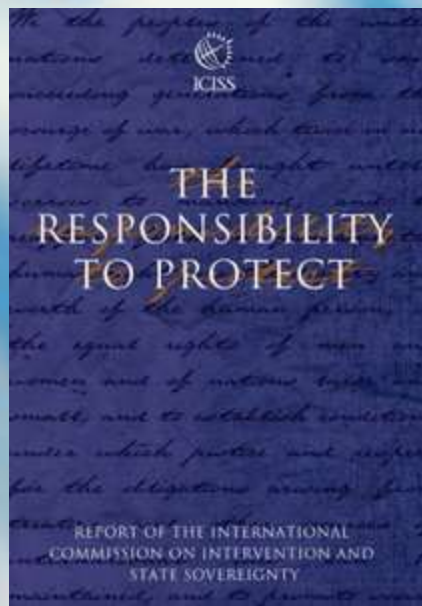
1999 NATO's 78-day bombing campaign



Belgrade '99

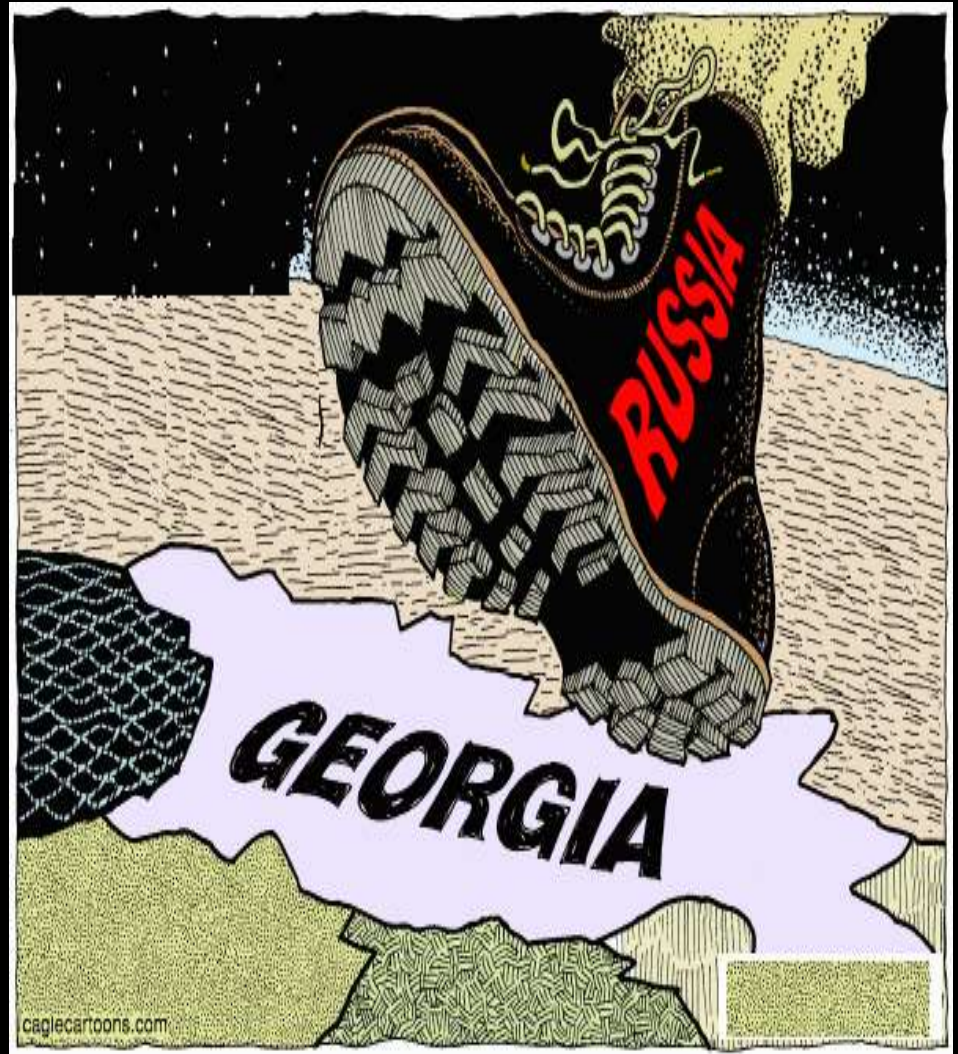


“Unlawful but legitimate”





A Global Controversy
The U.S. Invasion of Iraq



Security Council constriction of R2P

A large, dense crowd of people is gathered at night, illuminated by bright overhead lights. Many individuals in the crowd are holding up white papers or flags. In the foreground, a large white banner is held up, featuring text in purple and black. The background shows a building with a balcony and more lights.

The Syrian people are slaughtered

Where is the world?

**Targeted killing/kidnapping
of non-State actors who pose
a terrorist threat.**





Al-Qaeda suspect seized

US forces struck on the streets of the Libyan capital, ending a 15-year manhunt



- Abu Anas al-Libi was on the FBI's most wanted list

Age: 49

- He was sought for his role in the 1998 bombings of US embassies in Kenya and Tanzania



DRC v. Rwanda (2006)





**Tipping point or
paradigm shift?**

Undemocratic?





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