7. IMPORTANT CONCEPTS UNDER INTERNATIONAL LAW

COLLECTIVE SECURITY

Collective security can be understood as a security arrangement, political, regional, or global, in which each state in the system accepts that the security of one is the concern of all, and therefore commits to a collective response to threats to, and breaches to peace. Collective security is more ambitious than systems of alliance security or collective defence in that it seeks to encompass the totality of states within a region or indeed globally, and to address a wide range of possible" threats. While collective security is an idea with a long history, its implementation in practice has proved problematic. Several prerequisites have to be met for it to have a chance of working.

Collective security is one of the most promising approaches for peace and a valuable device for power management on an international scale. Collective security can be understood as a security arrangement in which all states cooperate collectively to provide security for all by the actions of all against any states within the groups which might challenge the existing order by using force. This contrasts with self-help strategies of engaging in war for purely immediate national interest. While collective security is possible, several prerequisites have to be met for it to work.

Sovereign nations eager to maintain the status quo, willingly cooperate, accepting a degree of vulnerability and in *some* cases of minor nations, also accede to the interests of the chief contributing nations organising the collective security. Collective Security is achieved by setting up an international cooperative organisation, under the auspices of international law and this gives rise to a form of international collective governance, albeit limited in scope and effectiveness, The collective security"organisation then becomes an arena for diplomacy, balance of power and exercise pf soft power. The use of hard power by states, unless legitimised by the organisation, is considered illegitimate, reprehensible and needing remediation.'The collective security organisation not only gives cheaper security, but also may be they'practicaible means of security for smaller nations against more powerful threatening neighbours without the need of joining the camp of the nations balancing their neighbours.

Collective security selectively incorporates the concept of both balance of power and global government. Thus it is important to know and distinguish these two concepts. Balance of power between stales opts for decentralization of power. States are separate actors who do not subordinate their autonomy or sovereignty to a central. Thus, "singly or in combinations reflecting the coincidence of interests, States seek to influence the pattern of power distribution and to determine their own places within that pattern." The expectation of order and peace comes from the belief that competing powers will somehow balance and thereby cancel each other out to produce "deterrence through equilibration."

On the flip side, the concept of global government is about centralization. Global government is a centralized institutional system that possesses the power use of force like a well established sovereign nation state. This concept strips states of their "standing as centers of power and policy, where issues of war and peace are concerned," and superimposing on them "an institution possessed of the authority and capability to maintain, by unchallengeable force so far as may be necessary, the order and stability of a global community." Collective security selectively incorporates both of this concepts which can broil down to a phrase: "order without government."

BASIC ASSUMPTIONS

Organski (1960) lists five basic assumptions underlying the theory of collective security:

In an armed conflict, member nation-states will be able to agree on which nation is the aggressor.

- All member nation-states are equally committed to contain and constrain the aggression, irrespective of its source or origin.

- All member nation-states have identical freedom of action and ability to join in proceedings against the aggressor.
- The cumulative power of the cooperating members of the alliance for collective security will be adequate and sufficient to overpower the might of the aggressor.
- In the light of the threat posed by the collective might of the nations of a collective security coalition, the aggressor nation will modify its policies, or if unwilling to do so, will be defeated.

Prerequisites

Morgenthau (1948) states that three prerequisites must be met for collective security to successfully prevent war :

- The collective security system must be able to assemble in excess to that assembled by the aggressor(s) thereby attempting to change the world order defended by
- Those nations, whose combined strength would be the first prerequisite, should have identical belief: that the collective is defending.
- Nations must be willing to subordinate defined in terms of the common defense of all member-states.

COLLECTIVE DEFENSE

Collective defense is an arrangement, usually formalized by a treaty and an organization, among participant states that commit support in defense of a member state if it is attacked by another state outside the organization. NATO is the best known collective defense organization. Its now famous Article V calls on (but does not fully commit) member states to assist another member under attack:' This article was invoked after the September 11 attacks on the United States, after which other NATO members provided assistance to the US War on Terror in Afghanistan. Collective defense has been shown to be very helpful to all countries.

Collective defense has its roots in multiparty alliances, and entails benefits as well as risks. On the one hand, by combining and pooling resources, it can reduce any single state's cost of providing fully for its security. Smaller members of NATO, for example, have leeway to invest a greater proportion of their budget on non-military priorities, such as education or health, since they can count on other members to come to their defense, if needed.

On the other hand, collective defense also involves risky commitments. Member states can become embroiled in costly wars in which neither the direct victim nor the aggressor benefit. In the First World War, countries in the collective defense arrangement known as the Triple Entente (France, Britain, Russia) were pulled into war quickly when Russia started full mobilization against Austria-Hungary, whose ally Germany subsequently declared war on Russia.

DISARMAMENT

Disarmament is the act of reducing, limiting, or abolishing weapons. Disarmament generally refers to a country's military or specific type of weaponry. Disarmament is often taken to mean total elimination of weapons of mass destruction, such as nuclear arms. General and Complete Disarmament refers to the removal of all weaponry, including conventional arms.

Disarmament can be contrasted with arms control, which essentially refers to the act of limiting arms rather than eliminating them. A distinction can also be made between disarmament as a process (the process of eliminating weapons), and disarmament as an end state (the absence of weapons). Disarmament has also come to be associated with two things:

- Nuclear disarmament, referring to the elimination of nuclear weapons.
- Unilateral disarmament, the elimination of weapons outside of the framework of an international agreement, i.e., they are not bound by a treaty such as START I or II.

Philosophically, disarmament may be viewed as a form of demilitarization; part of an economic, political, technical, and military process to reduce and eliminate weapons systems. Thus, disarmament may be part of a set of other strategies, like economic conversion, which aim to reduce the power of war making institutions and associated constituencies.

NUCLEAR DISARMAMENT

United States and USSR/Russian nuclear weapons stockpiles, 1945-2006. These numbers include warheads

not actively deployed, including those on reserve status or scheduled for dismantlement. Stockpile totals do not necessarily reflect nuclear capabilities since they ignore size, range, type, and delivery mode. Nuclear disarmament refers to both the act of reducing or eliminating nuclear weapons and to the end state of a nuclear-free.wgng/in which nuclear weapons are completely eliminated.

Major nuclear disarmament groups include Campaign for Nucle and International Physicians for the Prevention of Nuclej anti-nuclear demonstrations and protests. On June in New York City's Central Park against nuclear wej race. It was the largest anti-nuclear protest and the largest political demonstration in American history.

Disarmament conferences and treaties

- 1899: Hague.Cpnferenc
- 1960: Ten Nation Disarmament Committee
- 1962-1968: Eighteen Nation Disarmament Committee
- 1969-1978: .Conference of the Committee on Disarmament
- 1979-present: Conference on Disarmament (CD)

LAW OF THE SEA

Law of the Sea, branch of international law concerned with public order at seaTMuch of this law is codified in the United Nations Convention on the Law of the Sea, signed Dec. 10, 1982. The convention, described as a "constitution for the oceans," represents an attempt to codify international law regarding territorial waters, sea-lanes, and ocean resources. It came into force in 1994 after it had been ratified by the requisite 60 countries; by the early 21st century the convention had been ratified by more than 150 countries.

According to the 1982 convention, each country's sovereign territorial waters extend to a maximum of 12 nautical miles (22 km) beyond its coast, but foreign vessels are granted the right of innocent passage through this zone. Passage is innocent as long as a ship refrains from engaging in certain prohibited activities, including weapons testing, spying, smuggling, serious pollution, fishing, or scientific research. Where territorial waters comprise straits used for international navigation (e.g., the straits of Gibraltar, Mandeb, Hormuz, and Malacca), the navigational rights of foreign shipping are strengthened by the replacement of the regime of innocent passage by one of transit passage, which places fewer restrictions on foreign ships. A similar regime exists in major sea-lanes through the waters of archipelagos (e.g., Indonesia).

Beyond its territorial waters, every coastal country may establish an exclusive economic zone (EEZ) extending 200 nautical miles (370 km) from shore. Within the EEZ the coastal state has the right to exploit and regulate fisheries, construct artificial islands and installations, use the zone for other economic purposes (e.g., the generation of energy from waves), and regulate scientific research by foreign vessels. Otherwise, foreign vessels (and aircraft) are entitled to move freely through (and over) the zone.

With regard to the seabed beyond territorial waters, every coastal country has exclusive rights to the oil, gas, and other resources in the seabed up to 200 nautical miles from shore or to the outer edge of the continental margin, whichever is the further, subject to an overall limit of 350 nautical miles (650 km) from the coast or 100 nautical miles (185 km) beyond the 2,500- metre isobath (a line connnecting equal points of water depth). Legally, this area is known as the continental shelf, though it differs considerably from the geological definition of the continental shelf. Where the territorial waters, EEZs, or continental shelves of neighbouring countries overlap, a boundary line must be drawn by agreement to achieve an equitable solution. Many such boundaries have been agreed upon, but in some cases when the countries have been unable to reach agreement the boundary has been det9«»ined by the International Court of Justice (ICJ; e.g., the boundary between Bahrain and Qatar) or by an arbitration tribunal (e.g., the boundary between France and the United Kingdom). The most common form of boundary is an equidistance line (sometimes modified to take account of special circumstances) between the coasts concerned.

The high seas lie beyond the zones described above. The waters and airspace of this area are open to use by all countries, except for those activities prohibited by international law (e.g., the testing of nuclear weapons). The bed of the high seas is known as the International Seabed Area (also known as "the Area"),

for which the 1982 convention established a separate and detailed legal regime. In its original form this regime was unacceptable to developed countries, ..principally because of the degree of regulation involved, and was subsequently modified extensively by a supplementary treaty (1994) to meet their concerns. Under the modified regime the minerals on the 6cean floorvbeneath the high seas are deemed "the common heritage of mankind," and their exploitation is administered by the International Seabed Authority (ISA). Any commercial exploration or mining of the seabed is carried out by private or state concerns regulated and licensed^by the ISA, though thus far only exploration has been carried out. If or when commercial mining begins, a global mining enterprise would be established and afforded sites equal in size or value to those mined by private or state companies. Fees and royalties from private and state, mining concerns and any profits made by the global enterprise would be distributed to developing countries. Private mining companies are encouraged to sell their technology and technical expertise to the global enterprise and to developing countries.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

The United Nat ions Convention on the Law of the Sea (UNCLOS), also called the Law of the Sea Convention or the Law of the Sea treaty, is the international agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982. The Law of the Sea Convention defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. The Convention, concluded in 1982, replaced four 1958 treaties. UNCLOS came into force in 1994, a year after Guyana became the 60th nation to sign the treaty. As of August 2013, 165 countries and the European Union have joined in the Convention. However, it is uncertain as to what extent the Convention codifies customary international law.

While the Secretary General of the United Nations receives instruments of ratification and accession and the UN provides support for meetings of states party to the Convention, the UN has no direct operational role in the implementation of the Convention. There is, however, a role played by organizations such as the International Maritime Organization, the International Whaling Commission, and the International Seabed Authority (the latter being established by the UN Convention).UNCLOS I

In 1956, the United Nations held its first Conference on the Law of the Sea (UNCLOS I) at Geneva, Switzerland. UNCLOS I resulted in four treaties concluded in 1958:

- Convention on the Territorial "Sea and Contiguous Zone, entry into force: 10 September 1964
- Convention on the Continental Shelf, entry into force: 10 June 1964 Convention on the High Seas, entry into force: 30 September 1962
- Convention on Fishing and Conservation of Living Resources of the High Seas, entry into force: 20 March 1966

Although UNCLOS I was considered a success, it left open the important issue of breadth of territorial waters.

UNCLOS II

In 1960, the United Nations held the second Conference on the Law of the Sea (UNCLOS II"); however, the six-week Geneva conference did not result in any new agreements. Generally speaking, developing nations and third world countries participated only as clients, allies, or dependents of United States or the Soviet Union, with no significant voice of their own.

UNCLOS III

The issue of varying claims of territorial waters was : of Malta, and in 1973 the Third United Nations Confereg in New York. In an attempt to reduce the possibilit negotiations, the conference used a consensus process rather than majority vote. With more negotiations, the conference used a consensus process rat than 160 nations participating, the conference lasted until 1982. The resulting convention came into force on 16 November 1994, one year after the sixtieth state, Guyana, ratified the

The convention introduced a humber of provisions. The most significant issues covered were setting limits, navigation, archipelagic status and transit regimes, exclusive economic zones (EEZs), continental srielf

jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes.

The convention; set-the iirrutiq£ various areas, measured from a carefully defined baseline. (Normally, a sea baseline follows the low-water line, but when the coastline is deeply indented, has fringing islands or is highly unstable, straight bvaselines may be used.) The aras are as follows :

Internal waters

Covers all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.

Territorial waters

Out to 12 nautical miles (22 kilometres; 14 miles) from the baseline, the coastal state is free to set laws, regulate use, and use any resource. Vessels were given the right of innocent passage through any territorial waters, with strategic straits allowing the passage of military craft as transit passage, in that naval vessels are allowed to maintain postures that would be illegal in territorial waters. "Innocent passage" is defined by the convention as passing through waters in an expeditious and continuous manner, which is not "prejudicial to the peace, good order or the security" of the coastal state. Fishing, polluting, weapons practice, and spying are not "innocent", and submarines and other underwater vehicles are required to navigate on the surface and to show their flag. Nations can also temporarily suspend innocent passage in specific areas of their territorial seas, if doing so is essential for the protection of its security.

Archipelagic waters

The convention set the definition of Archipelagic States in Part IV, which also defines how the state can draw its territorial borders. A baseline is drawn between the outermost points of the outermost islands, subject to these points being sufficiently close to one another. All waters inside this baseline are designated Archipelagic Waters. The state has full sovereignty over these waters (like internal waters), but foreign vessels have right of innocent passage through archipelagic waters (like territorial waters).

Contiguous zone

Beyond the 12-nautical-mile (22 km) limit, there is a further 12 nautical miles (22 km) from the territorial sea baseline limit, the contiguous zone, in which a state can continue to enforce laws in four specific areas: customs, taxation, immigration and pollution, if the infringement started within the state's territory or territorial waters, or if this infringement is about to occur within the state's territory or territorial waters. This makes the contiguous zone a hot pursuit area.

Exclusive economic zones (EEZs)

These extend from the edge of the territorial sea out to 200 nautical miles (370 kilometres; 230 miles) from the baseline. Within this area, the coastal nation Has sole exploitation rights over all natural resources. In casual use, the term may include the territorial sea and even the continental shelf. The EEZs were introduced to halt the increasingly heated clashes over fishing rights, although oil was also becoming important. The success of an offshore oil platform in the Gulf of Mexico in 1947 was soon repeated elsewhere in the .world, and by 1970 it was technically feasible to operate in waters 4000 metres deep. Foreign nations have the freedom of navigation and overflight, subject to the regulation of the coastal states. Foreign states may also lay submarine pipes and cables.

Continental shelf

The continental shelf is defined as the natural prolongation of the land territory to the continental margin's outer, edge, or. 200 nautical miles (370 km) from the coastal state's baseline, whichever is greatcr./ A state's continental shelf may exceed 200 nautical miles (370 km) until the natural prolongation ends. However, it may never exceed 350 nautical miles (650 kilometres; 400 miles),from the baseline; or it may never exceed 100 nautical miles (190 kilometres; 120 miles) beyond the 2,500 meter isobath (the line connecting the depth of 2,500 meters). Coastal states have the right to harvest mineral and non-living material in the subsoil of its continental shelf,? to the exclusion of others. Coastal states also have exclusive control over living resources "attached" to the continental shelf, but not to creatures living in the water column beyond the exclusive economic zone.

Aside from its provisions defining ocean boundaries, the convention establishes general obligations for safeguarding the marine environment and protecting freedom of scientific research on the high seas, and also creates an innovative legal regime for controlling mineral resource exploitation in deep seabed areas beyond national jurisdiction, through an International Seabed Authority and the Common heritage of mankind principle.

Landlocked states are given a right of access to and from the sea, without taxation of traffic through transit states.

PART XI AND THE 1994 AGREEMENT

Part XI of the Convention provides for a regime relating to minerals on the seabed outside any state's territorial waters or EEZ (Exclusive Economic Zones). It establishes an International Seabed Authority (ISA) to authorize seabed exploration and mining and collect and distribute the seabed mining royalty.

The United States objected to the provisions of Part XI of the Convention on several grounds, arguing that the treaty was unfavorable to American economic and security interests. Due to Part XI, the United States refused to ratify the UNCLOS, although it expressed agreement with the remaining provisions of the Convention.

From 1983 to 1990, the United States accepted all but Part XI as customary international law, while attempting to establish an alternative regime for exploitation of the minerals of the deep seabed. An agreement was made with other seabed mining nations and licenses were granted to four international consortia. Concurrently, the Preparatory Commission was established to prepare for the eventual coming into force of the Convention-recognized claims by applicants, sponsored by signatories of the Convention. Overlaps between the two groups were resolved, but a decline in the demand for minerals from the seabed made the seabed regime significantly less relevant. In addition, the decline of Socialism and the fall of Communism in the late 1980s had removed much of the support for some of the more contentious Part XI provisions.

In 1990, consultations were begun between signatories and non-signatories (including the United Stsrfts) over the possibility of modifying the Convention to allow the industrialized countries to join the Convention. The resulting 1994 Agreement on Implementation was adopted as a binding international Convention. It mandated that key articles, including those on limitation of seabed production and mandatory technology transfer, would not be applied, that the United States, if it became a member, would be guaranteed a seat on the Council of the International Seabed Authority, and finally, that voting would be done in groups, with each group able to block decisions on substantive matters. The 1994 Agreen lent also established a Finance Committee that would originate the financial decisions of the Authority, to which the largest donors would automatically be members and in which decisions would be made by consensus.

On 1 February 2011, the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea (ITLOS) issued an advisory opinion concerning the legal responsibilities and obligations of States Parties to the Convention with respect to the sponsorship of activities in the Area in accordance with Part XI of the Convention and the 1994 Agreement. The advisory opinion was issued In response to a formal request made by the International Seabed Authority following two prior applications the-Authority's Legal and Technical Commission had received from the Republids[T]pf Nauru and Tonga regarding proposed activities (a plan of work to explore for polymetallic riodules) ito be undertaken in the Area by two State-sponsored contractors (Nauru Ocean Resources Inc. (sponsored by the Republic of Nauru) and Tonga Offshore Mining Ltd. (sponsored by the Kingdom of Tonga). The advisory opinion set forth the international legal responsibilities and obligations of Sponsoring States AND the Authority to ensure that sponsored activities do not harm the marine environment, consistent with the applicable provisions of UNCLOS Part XI, Authority regulations, ITLOS case law, other international environmental treaties, and Principle 15 of the UN Rio Declaration.

SIGNATURE AND RATIFICATION

The convention was opened for signature on 10 December 1982 and entered into force on 16 November 1994 upon deposition of the 60th instrument of ratification. The convention has been ratified by 166 parties, which includes 165 states (163 member states

of the United Nations plus the Cook Islands and Niue) and the European Union.

UN member states that have signed, but not ratified

- Cambodia, Colombia, El Salvador, Iran, North Korea, Libya, United Arab Emirates
- landlocked: Afghanistan, Bhutan, Burundi, Central African Republic, Ethiopia, Liechtenstein, Rwanda
- UN member states that have not signed
- Eritrea, Israel, Peru, Syria, Turkey, United States, Venezuela
- landlocked: Andorra, Azerbaijan, Kazakhstan, Kyrgyzstan, San Marino, South Sudan,Tajikistan, Turkmenistan, Uzbekistan

The UN Observer states of the Vatican City and the State of Palestine have not signed the convention.

Territories that are part of ratified countries, but where the convention is not in force

- Aruba (Kingdom of the Netherlands)

United States position

Although the United States helped -shape the Convention and its subsequent revisions, and though it signed the 1994 Agreement on Implementation, it has not signed the Convention. On 16 July 2012, the U.S. Senate had 34 Republican Senators who have indicated their intention to vote against ratification of the Treaty if it comes to a vote. Since at least 2/3 of the 100 member Senate (at least 67 Senators) are required to ratify a treaty, consideration of the treaty was deferred again.

EXTRADITION

Extradition, in international law, the process by which one state, ppon the request of another, effects the return of a person for trial for a crime punishable by the laws of the requesting state and committed outside the state of refuge. Extraditable persons include those charged with a crime but not yet tried, those tried and convicted who have escaped custody, and those convicted in absentia. The-request distinguishes ^xlradition from other measures such as banishment, expulsion, and deportation which also result in the forcible removal of undesirable persons.

According to the principle of territoriality of criminal law," slates do not apply their penal laws to acts committed outside their boundaries except in the protection of special national interests. In helping to suppress crime, however, states generally have been willing to cooperate in bringing fugitives to justice.

Extradition is regulated within countries by extradition acts and between countries by diplomatic treaties.'. The first act providing for extradition was adopted in 1833 by Belgium, which also passed the first law oil the right to asylum. Extradition acts specify the crimes that are extraditable, , clarify extradition procedures and safeguards, and stipulate the relationship between the act knd international treaties. National laws differ greatly regarding the relationship between extradition acts and treaties? In the United States, extradition may be granted only pursuant to a treaty and only if Congress has not legislated to the contrary, a situation that also exists in Britain, Belgium, and the Netherlands. Germany and Switzerland extradite without a formal convention in cases where their governments and the requesting state have exchanged declarations of reciprocity. Although there has been a long-standing trend toward denying extradition requests in the absence ©f a binding international obligation, fugitives are sometimes surrendered by states on the basis of municipal law, or as an act of goodwill. Nevertheless, countries that do not have extradition agreements with certain other countries (or in regard to certain types of offense) have been considered safe havens for fugitives.

Some principles of extradition are common to many countries. For example, many states decline any obligation to surrender their own nationals; indeed, the constitutions of Slovenia and, until 1997, Colombia prohibited the extradition of their nationals. In Argentina, Britain, and the United States, nationals may be extradited only if the governing extradition treaty authorizes it. Another common principle is double criminality, which stipulates that the alleged crime for which extradition is being sought must be criminal in both the demanding and the requested countries. Under the principle of specificity, the demanding state can prosecute the extraditee only for the offense for which the extradition was granted and may not extradite the detainee to a third country for offenses committed before

the initial extradition. Although states have recognized certain exceptions to this principle—and some rules allow the extraditee to waive it—it is critical to the exercise of the right of asylum. If the demanding state were permitted to try an extraditee for any offense that suited its purposes (e.g., for a political offense), the right of asylum would suffer under both national and international law.

One of the most controversial issues relating to extradition is the exception for most political offenses, a standard clause in most extradition laws and treaties that provides the requested state with the right to refuse extradition for political crimes. Although this exception arguably has acquired the status of a general principle of law, its practical application is far from settled. The evolution of international law and the development of a nearly universal consensus condemning certain forms of criminal conduct have restricted the principle's scope so that it now excludes the most heinous of international crimes—e.g., genocide, war crimes, and crimes against humanity. Apart from these and a few other" cases, however, there is very little agreement on what constitutes a political crime, and states can thus exercise considerable discretion in applying the political offense exception.

BARS TO EXTRADITION

By enacting laws or in concluding treaties or agreements, countries determine the conditions under which they may entertain or deny extradition requests. Common bars to extradition include:

- Failure to fulfill dual criminality: generally the act for which extradition is sought must constitute a crime punishable by some minimum penalty in both the requesting and the requested parties.
- Political nature of the alleged crime: most countries political crimes.
- Possibility of certain forms of punishment: some (that the person, if extradited, may receive capital punis far as to cover all punishments that they themselves
- Death penalty: Many countries, such as Australia, Canada, Macao, New Zealand, South Africa, and most European,nations except Belarus, will not allow extradition if the death penalty may be imposed on the suspect unless they are assured that the death sentence will not be passed or carried out.
- Torture inhuman or degrading treatment or punishment: Many countries will not extradite if there is a risk that a requested person will be subjected to torture, inhuman or degrading treatment or punishment. In the case of Soering v United Kingdom, the European Court of Human Rights held that it would violate Article 3 of the European Convention on Human Rights to extradite a person to the United States from the United Kingdom in,a' capital case. This was due to the harsh conditions on death row and the uncertain timescale within which the sentence would be executed.
- JurisdictionuMrisdiction over a crime can be invoked to refuse extradition. In particular, the fact that the person in question is a nation's own citizen causes that country to have jurisdiction. .
- Own nationals: Some countries, such as Austria, Brazil, the Czech Republic, France, Germany, Japan, the People's Republic of China, the Republic of China (Taiwan) forbid extradition of their own nationals. These countries often have laws in place that give them jurisdiction over crimes committed abroad by or against citizens. By virtue of such jurisdiction, they prosecute and try citizens accused of crimes committed abroad as if the crime had occurred within the country's borders.

In 2013, the United States submitted extradition requests to many nations for National Security Agency employee Edward Snowden. It criticized Hong Kong for allowing him to leave despite an extradition request. Bolivia and Venezuela advised the United States that they denied their request for extradition. Nevertheless, the United States impeded Snowden's travel by cancelling his passport.