

## *Global Law, World Events, and U.S. National (and Homeland) Security*

Charlotte County Republican Club, Monday, 13 January 2014, 5:00 p.m.

### *Global Law: Several Different Areas Of Law Involving An International Element*

- **Public International Law** governs the structure and conduct of sovereign states and analogous entities. Includes recognition of states, self-determination, human rights law, international criminal law, the use of force, and the international commons.
- **International Business Law** includes international and domestic law governing commercial transactions between parties from different countries. Includes international sales of goods, trade law, import and export regulation, distributorships and franchising, foreign investment, international intellectual property law, and corporate social responsibility.
- **International Dispute Resolution** concerns methods for resolving disputes between parties from different countries, and the legal frameworks governing those methods. Includes international civil litigation in U.S. courts, international arbitration, mediation, negotiation, and conflicts of law.
- **International Environmental Law** involves international treaties, principles, and other norms to protect natural resources and the environment. Includes pollution prevention, international trade in wildlife and hazardous wastes, protection of biological diversity, ozone depletion, and climate change.
- **Comparative Law** is the study of similarities and differences between the domestic laws of two or more countries. Includes focus on particular countries or regions, on substantive areas such as criminal, commercial, environmental or constitutional law, or on both.

### *Why Should We Care?*

- In today's global economy, even businesses operating exclusively in the United States encounter transactions, disputes and other matters having an international component.
- Article Six of the United States Constitution establishes the laws and treaties of the United States made in accordance with it as the supreme law of the land.
- In a world where nations (and individuals) extend their strategic (and personal) capacities along a fifth dimension, that is, cyberspace, where do borders begin and end, what is personal and private versus what is public and official, and how are economic, political and military interests advanced, protected, and defended against?

### *A Grim Assessment – National (and Homeland) Security Challenges in 2014 and Beyond*

#### **#1 RISK – Cyberwarfare / Cybercrime Escalation**

- The capacity to produce, communicate, and use information is affecting every area of national security, from the way we govern ourselves ("e-government") to the way we fight wars ("information warfare") to the way transnational criminal organizations increase in scope and power to the way activists and extremists mobilize support across borders.
- State and non-state actors, military, paramilitary, contractor, cyber pirates, cybercriminals.

#### **#2 RISK – African Instability Escalation**

- "An 'arc of instability' stretching from the Western Hemisphere, through Africa and the Middle East and extending to Asia."
- "Constellation" of hush-hush US drone, commando or intelligence facilities in East Africa including (but not limited to) Djibouti, Ethiopia, Kenya, Somalia, Mali and the island nation of the Seychelles, to combat terrorism.

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- Political discontent, ethnic rivalries, religious extremism, and economic frustration to fuel their strategy of terror and violence in places like Libya, Tunisia, Sudan and South Sudan, Yemen, the Horn of Africa and countries bordering the Sahara Desert.

### **#3 RISK (TIE) – Afghanistan/Pakistan Crisis Escalation**

- 87,000 US/NATO forces 870 miles from the open sea.
- Pakistan transit essential to logistics survival of the force.
- 2014 declared withdrawal drives entire political/ military calculus of the Afghan Karzai government and the Taliban.
- If Pakistan implodes - General Sharif and Pakistan Army/Inter-Service Intelligence (ISI) lose control security of 90-110 nuclear weapons at risk; threats to India ... and beyond.

### **#3 RISK (TIE) – Middle East / Central Asian Crisis Escalation**

- Implosion of Iraq, aggression by Iran, and expanded war in the Gulf.
- From “Jasmine Revolution” to “Arab Spring” to “Authoritarian Fall (/ Fail?)”
- Syria-Lebanon-Israel conflict?
- Central Asia could be: 1) the next mass target of Islamic insurgents *or* source of insurgents (Boston Marathon); 2) on the verge of a client-state battle between Moscow and Beijing; or 3) fated to authoritarian leaders for the next generation.

### **#4 RISK – Korean Peninsula / Asian Crisis Escalation**

- North Korean posturing of Kim Jong Un leads to increased isolation, economic hardship, possible military/nuclear confrontation.
- China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have competing territorial and jurisdictional claims in the South China Sea, particularly over rights to exploit the region's possibly extensive reserves of oil and gas.
- Freedom of navigation in the region is also a contentious issue - \$5.3 trillion of trade passes through the South China Sea; U.S. trade accounts for \$1.2 trillion of this total.

### **#5 RISK – Latin & North American Crisis Escalation**

- Mexico, Venezuela, the Dominican Republic, and Ecuador have had presidential elections / power transitions in 2012-2013, leading to some of the region's biggest news stories of the year; marijuana legalization in Uruguay 2013, Argentina and Chile next?
- Brazil and Uruguay general elections, Colombian parliamentary & presidential elections 2014; Rio Summer Olympics 2016.
- Mexico's Enrique Peña Nieto attempting to disassociate the country's image from drugs, cartels and bloodshed – but each of the past two years, there have been more violent deaths and more weapons recovered in Mexico than any other place on earth.

***Conclusion – 危机 (wēiji) “Danger” “Opportunity or “Crucial/Critical Point?”***

